

A  
Compleat History  
OF  
EUROPE:

OR, A  
VIEW of the AFFAIRS thereof,  
CIVIL and MILITARY,  
FOR  
The YEAR, 1704

CONTAINING

All the Publick and Secret TRANSACTIONS  
therein; The several STEPS taken by *France*, for  
an Universal Monarchy, and to Enslave her Neigh-  
bours; The Wars in *Italy*, *Poland*, *Livonia*, *Mus-  
covy*, *Germany*, the *West-Indies*, &c.

Intermix'd with

Great Variety of Original PAPERS, LETTERS,  
MEMOIRS, TREATIES, &c. Several of which  
never before made Publick.

WITH

The REMARKABLES of the Year; including  
particularly the LIVES of several Eminent Persons,  
both at Home and Abroad, that died therein.

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Illustrated with CUTS.

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*To be Continued Annually.*

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L O N D O N :

Printed for *H. Rhodes*, near *Bride-Lane*, *Fleet-Street*; *J. Nicholson*, in *Little-  
Britain*; and *Andr. Bell*, at the *Cross-Keys*, in *Cornhill*. 1705.



*W. Musgrave.*



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# THE PREFACE.

**T**HIS being now the Fourth Year wherein I have been encouraged to carry on this Design, it might be expected, I should have no Occasion to premise any thing before it by Way of Preface: But since Times, Seasons and Occurrences of Things vary according to the Mutability of Human Affairs, it will be necessary something should be said in this Place, for the better understanding, as well as rightly judging of the Sheets that follow.

In my Preface to the History of the preseding Year, I must acknowledge my self to be over-forward in saying, That such great Variety of Actions, surprizing Revolutions and Events, and unaccountable Traverses of Fortune had happen'd therein, as were, perhaps, not to be parallell'd in the Series of a whole Century; when I consider how far the Year current has exceeded it in most Particulars, and more especially in the glorious Success of the Arms of the most Serene Allies, who have gain'd more by one Battle, than France has acquired by most of those fought since Lewis XIV. has fill'd the Gallican Throne. These Things being consider'd, as also the uncommon Length of the last Campaign, which, for any thing that appears yet to the contrary, is, in some Parts of Europe, like to

A 2 last

## The PREFACE.

last till the next begins, have swell'd the Volume so much, that we were not only necessitated to print a good part of the Body of the Book in a smaller Character, than formerly, but even wholly to leave out the Families and Lists for this Time.

It's hoped, this absolutely necessary Omission will not be resented by those who have been pleas'd to encourage this Undertaking. I had, indeed, once resolv'd to put in the Alterations that have happen'd, for their better Satisfaction; but I found them so inconsiderable, as not to be worth While, and therefore I refer them to the Families and Lists of the preceding Year, with a Promise that (God willing) they shall be insert-ed in my next, as correctly, as all the Care and Interest I have in the several Offices where they are to be got, can effect it.

It's possible, some may think this a plausible Opportunity to object against the Method of the Performance, and urge, That several Occurrences might have been represented much more concisely, and so brought the Matter into a much narrower Compass; which in Reality cannot be denied: But, besides that it has been our usual Custom to recite Things at large, as supposing the same to be more agreeable to the Generality of Readers, we must farther observe, that 'tis so difficult a Task to give the nice Truth of several Actions, upon which such various Glosses are made by the Contending Parties, that we are brought under some sort of Necessity to recount the Relations both of our Friends and Enemies, according to the different Turns they give them,  
not

## THE PREFACE.

not without some Reflections or Allegations of our own, as we judge they will best bear, and render Matters most consonant to Truth. Indeed, there happens, thro' a Mistake, which I shall not go about to excuse, the List about the Number of the Slain, &c. at Hochstet to be put in twice; tho' at the same time there is that Variation in it, that it may be a Fault easily overlook'd.

But, to make Amends for any Defects or Superfluities that some should suppose we have been guilty of, we have illustrated this Volume with some useful Copper Cuts, such as the March of the Duke of Marlborough to the Danube, an exact Plan of the glorious Battle of Hochstet, and the Duke's Return to the Rhine, and a Draught of Gibraltar, all perform'd by an accurate Hand.

As to the Remarkables of this Tear, it may be easily observ'd, that we have used double Diligence towards the Perfecting of them; that we have met with more Helps than ordinary; that great Thanks are owing to many Communicative Gentlemen upon this Occasion; and that the Assistance of others are desired in respect to any Matters of this Kind that for the future may occur: And, indeed, 'tis pity that the surviving Friends of so many Eminent Persons, that are from time to time carry'd off this Earthly Stage, did not take some more Care to perpetuate their Memories, which, in my humble Opinion, is better done this way, than by any Monuments of Brass.

'I here



## The P R E F A C E.

*There being but very little Room left for an Appendix, I have pitched upon those few Materials, which I judged to be most useful and agreeable: The Scotch Address to Her Majesty refers to the Resolves of the House of Lords in England, which you will find in p. 160 and 161 of this Volume; but what I take to be most valuable, especially to the Reverend Clergy, is the Queen's Patent about the First-Fruits, inserted here at full Length, for their better Information in a Matter that does so nearly concern them, and which otherwise they must have procured with much greater Difficulty.*

*The History of Europe from the Year 1600, to the Forming of the Treaty of Nimeguen in 1676, in order to compleat the Century, which I had promised to write more than once, and more particularly in my Preface to the History of the last Year, I have at length in a great measure finished. As for the Preformance, let the World judge: I shall only add, that the remaining Part is in good Forwardness, and will be published with all convenient Speed.*

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BOOKS Printed for H. Rhodes, near Fleet-  
Bridge; J. Nicholson, at the King's-Arms,  
in Little-Britain; and A. Bell, at the  
Cross-Keys, in Cornhill.

A Compleat History of *Europe*; or, A View  
of the Affairs thereof, Civil and Military,  
from the Year 1600, to the Treaty of *Nimeguen*,  
to perfect the last Century; Containing all the  
Publick and Secret Transactions therein; the Rise  
and Progress of our Civil Wars; the Revoluti-  
ons and Wars in *Spain, Germany, Turkey, France,*  
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Original Papers, as, Queen *Elizabeth's* last Speech  
to her Parliament; Her Will, Death, &c. King  
*James's* Speeches and Proceedings at his Coming  
to the Crown; all the Papers, &c. relating to  
an Union with *Scotland* in King *James the First's*  
Time; the Book of Sports; that for what *Pryn,*  
*Burton* and *Bastwick* lost their Ears; Debates and  
Proceedings about Ship-Money, in the Star-Cham-  
ber; Preparing the Liturgy in *Scotland*, with the  
Tumults thereon: Several Speeches of Mr. *Whit-*  
*lock*, Mr. *Pym*, Sir *Edward Hyde*, &c. with near a  
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*Nime-*

*Nimeguen*, 1676, to the End of the Year 1700. Including the Articles of *Nimeguen*, and the several Infringements of them; the *Turkish Wars*; the Forming of the Grand Confederacy; the Revolution in *England*; Affairs in *Poland*, *Sweden*, *Denmark*, *Muscovy*, *Spain*, &c. With a particular Account of all the Actions by Sea and Land on every Side, and the secret Steps that have been made towards a Peace, both before, as well as during that Negotiation: Wherein are the several Treaties of Peace; as also of Partition; the King of *Spain's* Will, &c. The whole intermix'd with divers Original Letters, Declarations, Papers and Memoirs, never before published.

Also, A Compleat History of *Europe*; or, A View of the Affairs thereof, Civil and Military, for the Year 1701; in which are all Original Papers; as, the Partition Treaty, Proceedings against the Lords *Sommers*, *Hallifax*, *Orford*, &c. thereon, with their Defences; the Legion Letter, Memorials, &c. The *Remarkables* of the Year, wherein there is an Account of all the considerable Persons that have died therein: The present State of the Imperial and Royal Families, and other Potentates of *Europe*; their Births, Marriages, Issues, Alliances, &c. An exact Catalogue of the Nobility, Privy-Councils of *England*, *Scotland* and *Ireland*. A List of all Persons in Offices and Places of Trust in Her Majesty's Government: Where may be had the Compleat History of *Europe* for 1702, 1703, and 1704. To be continued Annually.

A  
Compleat History

O F  
EUROPE,

F O R  
The YEAR, 1704, &c.

HAVING towards the Close of the last Year *Novemb.*  
but slightly touch'd upon the Bringing *1703.*  
and Rejecting of the Bill for preventing  
Occasional Conformity, and Time ha-  
ving given us some farther Information  
in that Matter, we are here to observe, that it being  
neither unforeseen nor unexpected by the moderate  
Party, that the zealous Sticklers for the Church of  
*England* would set that Bill, which could not be car-  
ried last Sessions, on Foot again in the House of  
Commons, therefore an able and \*judicious Writer, by \*Dr. Da-  
Encouragement and with the Approbation of a Great *venant.*  
Man, (equally distinguish'd by his sound Politicks,  
and his high Post in the Government) publish'd a  
† Book, wherein he enforc'd, 'What her Majesty † *Essays up-*  
' had lately recommended from the Throne; and en- *on Peace at*  
' deavour'd to bring all sorts of Men to throw aside *Home, and*  
' their Heats and Animosities, and to Unite in their *War A-*  
' own Defence against the common Danger. This *broad.*  
Book



*December.* Book being principally design'd to dissuade the bringing in, and passing of the Bill to prevent Occasional Conformity, very sharp Censures were past upon it, by the Party which the Author seem'd to have forsaken; and a great Promoter of that Bill did not stick to reflect on him, as a profligate Scribler. At the same Time another \* Gentleman of the same Principles, did presently, and in a Hurry put out a small Treatise in Defence of the Proceedings of the Commons in relation to the Conformity Bill; which Pamphlet contain'd little else, besides the Arguments used a Year before on the same Subject. The Dispute growing hot, both without and within Doors, a Member of the House of Commons made the following Speech in behalf of the Bill:

\* Sir Humphrey Mackworth.

Mr. Speaker,  
Speech in the House of Commons, for the Bill against Occasional Conformity.  
' HER Majesty has been pleas'd in all her Speeches to give us so many assurances of supporting the Church of England as by Law Establish'd; and also such Instances of being punctual to her Promise in this particular, that I think she very justly deserves the Title of *Defender of the Faith*. Her desire to see this Bill succeed the last Sessions of Parliament, was sufficiently shewn by the Prince of Denmark's constant Attendance upon it; and I believe the Reason why some Persons oppos'd it, was because the Queen seem'd to espouse it.

' But pray, Gentlemen, Let us consider, how this Bill came to be lost? Why, two or three noble Lords were by turns to be Absent? The Miscarriage of the Bill was imputed to their want of Attendance, when at the same Time they were desired to be out of the Way. And it is not asham'd, that we, who have given Fourscore Millions of Money for the Preservation of the Protestant Religion, should have *Trimming* at last in a Bill to prevent *Hypocrisy*.

' It was a Law among the *Athenians*, that when any Mutiny or Difference arose in the City of *Athens*, the Inhabitants should take one side or other, or else they banish'd them the City: and truly, Sir, when Members of Parliament, and Ministers of State stand Neuter, in Matters that nearly concern the

the Interest of the Church of England, and have not  
 Courage to own their Opinion, I think they very  
 well deserve to be turned out. Every \* Gentleman \* Design-  
 here is sent up to give his Vote, and when he de- ed against  
 clines that, he can't be properly said to serve the such as  
 Place he represents. This I take to be the Worst w. thdrew  
 sort of Cowardise. into the

But pray, Sir, let us enquire into the Meaning of Speaker's  
 all this *Trimming*. Are we afraid to disoblige a Par- Chamber,  
 ty of Men, that are against the Church and Govern- when the  
 ment? Whose Principle of Hatred and Malice to Question  
 the Family of the *Stuarts* descends to them by Inheri- was put  
 tance? Men, Sir, that offered open Violence to her for passing  
 Majesty's Royal Grandfather; Men that have not the Bill.  
 only the Impudence at this time to justify that Fact,  
 but to turn the Day of his Murder into Ridicule, and  
 keep a *Calves-Head-Feast* in the City. And can we  
 imagine that those who are Enemies to her Maje-  
 sty's Person and Office, and that were for hindering  
 her from coming to the Throne, would not be glad  
 of any Opportunity to shove her out of it?

Are these the Men to be Countenanced and En-  
 couraged? This, in plain *English*, makes me believe  
 this Ministry has too great a Resemblance of the last;  
 that my Lord S-----d is risen from the dead, and now  
 become Prime Minister of State.

And now I am upon this Subject, give me leave to  
 tell some Gentlemen here, who have been following  
 and roaring against Persons for taking Places in the  
 late Reign, that it is a Reflection upon them to hold  
 and continue their Places, in the Company of those  
 that they have been exclaiming against.

They may remember, if they please to recollect,  
 the Language in the late Reign----Sir, you must turn  
 this Gentleman out, or else I can't serve you.-----And if  
 any Gentleman was in the Interest of the Church of  
 England, 'twas a sufficient exception against his being  
 employ'd. No Gentleman of that Principle was then  
 thought fit to be a Deputy-Lieutenant, or a Justice  
 of the Peace. If we would take the same Resolution,  
 and the same Spirit, Things might be better mana-  
 ged than they are.

I did wonder to hear so many B-----s against this  
 Bill, but that wonder ceased, when I consider'd whom

December.

they ow'd their Preferment to. The A. B---p of C-----y, I think, was promoted to that See by my Lord S-----d's Interest; and being ask'd what Reasons he had against this Bill, replied, *He had not well consider'd the Bill, but that my Lord S-----r told him it ought not to pass.*-----This was a very weighty Reason for the Head of our C-----h to give; and yet, I dare say, none of the rest of them could give a better. One would be provok'd by the late behaviour of the B-----s, to move for leave to bring in a Bill for the Toleration of Ep-----cy; for, since they are of the same Principles with the Dissenters, it is but just, I think, that they should stand on the same Foot.

'Now Sir, give me leave to Answer some Objections made against this Bill. The first is, that *it's unseasonable at this Time.* Why unseasonable? Is it not as seasonable for us to pass a Law for the further Defence of the Church of *England* here, as it was for *Scotland* to pass an Act last Sessions for the Security of the Kirk there? Why unseasonable; Does the Success of our Arms Abroad, or the levying Money at Home depended upon it? No Gentleman can say, that either of them do; and since there can be no Objection made against the Goodness of the Bill, why should we defer the putting it in Execution?

'Another Argument against this Bill, is, that *it will Create Division.* Are we to allow a Schism to avoid Division? The Dissenters hold it lawful to Communicate sometimes, and if so, why unlawful to Communicate at other Times? But oh! The fear of offending Dissenters is to be urg'd as an Argument, and not provoking the Church of *England*: Either the Ministry must think we are so good natur'd, as not to be displeas'd at any thing they do, or else that our Number is so inconsiderable, that they do not value it if we are displeased.

'Another Argument against this Bill proceeds from the Number and Strength of the Dissenters. This I take to be an Excellent Argument for the Bill; for if they are so strong and numerous it is high time for us to guard our selves against them, and I appeal to every Gentleman here, whether one Dissenter in  
Place

‘Place is not capable of doing more Mischief to the Church of *England*, then Ten out of it? Suppose, Mr. *Speaker*, the Dissenters had the Power in their Hands (as they will certainly in a short Time, if not restrain’d) would they admit the Church of *England* into Places of Trust, and into the Legislature upon Occasional Conformity?

‘Her Majesty has been so Generous as to offer what further Security they think fit for the Religion in *Scotland*; how comes it, that some Gentlemen should represent her Majesty so much concern’d to preserve a Religion she is not of, and so unwilling to grant a Security for the Church in which she Expects to be saved; According to this Method, one might expect the *Scotch* Covenant to be brought again into *England*, and that the Presbyterian Party of that Kingdom, should remonstrate (as they did to her Royal Grandfather) the Necessity of having one Religion, and one Worship in both Kingdoms.

‘We have been under great Expences in keeping these Gentlemen out, and have been traduced as Persons designing a *French* Government; and all the return we are like to have for our Services and Sufferings, in our Purfes and Reputations, is, that these Persons are like at last to become our Masters, which is a very great Discouragement.

‘Mr. *Speaker*, I take this Practice of Occasional Conformity, to elude the Force of one of the best Laws made in the Church of *England*’s Defence, that it is Scandalous and Knavish in it self, and I will pretend to foretel this, that by the Benefit of this Occasional Conformity, the Dissenters will come to be the Majority of this House, and then I’ll venture to pronounce the Days of the Church of *England* few. That I may not see such dismal Effects of our pretended Moderation, I heartily wish Success to this Bill.

This Gentleman speaking the Sense of the Majority of the House of Commons, the Bill obtain’d a pass’d by quick and easie Passage there. But being sent up to the Lords, it met not with so kind a Reception in that House; for on Occasion of the first Reading of



December. it, a Learned and Illustrious Prelate made the following Admirable speech, in opposition to it.

‘ *My Lords,*

The F— ‘ I Am very glad to find, that how much Heat soever  
of S— ‘ this Matter has raised Abroad, yet none of that  
Speech a ‘ has appear’d in all this Debate : If a Heat of Zeal has  
gainst the ‘ appear’d in some, yet nothing has been mixed with  
Bill. ‘ it unbecoming the Dignity of this House, and the  
‘ Solemnity of a great Council : It is a Disadvantage,  
‘ especially to one of this *Bench*, to speak against any  
‘ thing, that, in the Sound, and first Appearance,  
‘ seems to be intended for the Service of the Church ;  
‘ and I am sure if I were not fully convinced that it is  
‘ not so, but that, how well soever it may be intend-  
‘ ed by some, the Effects of it will be quite contrary,  
‘ I could not have a Heart, or a Face to *speak against*  
‘ it, but should *promote* it with all possible Zeal.

‘ I confess I am already bound up, as to this parti-  
‘ cular, and determin’d by a Promise solemnly made  
‘ to the Queen. Her Majesty recommended *Union*  
‘ to us, with a particular *Vehemence of Stile*, when she  
‘ said, *she wanted Words to express how earnestly she de-*  
‘ *sired to see Union, and a good Agreement among her*  
‘ *Subjects*. I am sure we must all want Words to ex-  
‘ press a due Sense of that Royal Tendernefs and  
‘ Care of us. In our Address to her Majesty we  
‘ promis’d, not only to avoid, but to oppose every thing  
‘ that might tend to create *Disunion and Disorder* : And  
‘ I do freely own, that I had then this very thing in  
‘ my Thoughts, as I believe a great many Others  
‘ had, and therefore I look on my self as under an  
‘ Obligation now to perform what I then promis’d.

‘ I know some of our Order, as well as my self in  
‘ particular, have been very *Indecently*, and I hope very  
‘ *Unjustly* too, treated in many printed *Libels* upon  
‘ this very Account ; as if we were the Enemies to  
‘ the Church, because we cannot think this Bill for its  
‘ Service. The Station we are in, sets us above the  
‘ Answering every spiteful Writer. But next to the  
‘ Queen, we owe it to your Lordships to satisfy you,  
‘ if any thing sticks with you. We hope we may ap-  
‘ peal to the World, and to our Diocesses in every par-  
‘ ticular, whether our Labours do not shew a true Zeal  
‘ for

for the Church in all its Concerns? We are the Disciples of the Cross, and must go through good Report, and ill Report, but we hope we are so well Known, and have acted so long in a publick Sence, and have acted such a Part on it, that we may reckon ourselves above such Calumnies.

Even St. Paul said, he became a Fool in Glorifying, but it was when others compell'd him to it: We must freely own that there have been such Severities among us in every Reign, since the Reformation, that these are Blemishes not easily wiped off. The Burnings in King Edward's Reign is the Reproach of that time. The Capital Proceedings in Queen Elizabeth's Reign, and the severe Act of the 25th Year of it, that punishes Meetings with Imprisonment, Banishment and Death, is a Blemish even on that long and glorious Reign. The Repeal of that Act pass'd in both Houses, and it's known by what Management it was, that it was not tendered to the Royal Assent. The mention of Queen Elizabeth's Reign leads me to take Notice of what has been said in Relation to the Maxims, by which she govern'd her self, as if she had been inflexibly Steady in the Observation of the Laws in Matters of Religion. It is certain, that she treated the Papists all along with very particular Indulgence: She would have the Peers excused from the Obligation to take the Oath of Supremacy; she Employed Papists in all her Affairs; they were Privy-Councillors, and Lords Lieutenants, her Lord Treasurer protested against all Acts for the Reformation, and was known to be a Church Papist, or an Occasional Conformist; and yet he continued in that great Post 14 Years till he dyed; she encouraged the Occasional Conformity of Papists, and apprehended no Danger in that, even from them; and yet, I hope, it will be acknowledged that there was more Reason to be afraid of them, considering both their Numbers, and the Hopes of a Popish Successor, than we have now to be afraid of the Dissenters. She encouraged Occasional Conformity, and no Body was uneasie at it; but the Pope saw what it was like to end in, and therefore he took care to put a stop to it.

December.

' The Severities in King *James's* Reign cast a Blot  
 ' on it; and the Proceedings in the *Star-Chamber*, and  
 \*The E. of ' the *High Commission* are set forth by a Noble \* *Historian*,  
 Clarendon. ' as Things that did not a little Contribute to bring on  
 ' us the Miseries of a Civil War. The Proceedings in  
 ' King *Charles the II'd's* Reign were severe, and set on  
 ' with bad Designs. That in a Time both of War,  
 ' and of a Plague, such an Act as the *Five Mile Act*  
 ' should have past, will amaze all that do know the  
 ' secret of that Time. Soon after the Restoration, it  
 ' had been a very easie thing to have made up all Dif-  
 ' ferences among us, but the Design was to inflame  
 ' them; and that matter was far driven as we all  
 ' know. The Earl of *Bristol* called together a Meet-  
 ' ing of the Chief of the *Papists*, and tendered them  
 ' an Oath of Secrecy, as the Lord *Stafford* told me in  
 ' the Tower, and told it likewise at the Bar of the  
 ' House; he then told them, that the Breach between  
 ' the Church, and the *Dissenters* was now fixed, and  
 ' would be carried further; it was therefore their In-  
 ' terest to make use of all the *Provocations* the *Dissen-*  
 ' ters might meet with, and to offer their Assistance  
 ' to them, in order to the Engaging them to petition  
 ' for a *General Toleration*: Yet they could never be  
 ' brought to it. When the Declaration for a General  
 ' Toleration in 72 was question'd in Parliament, which  
 ' brought on the Act of the *Test*, set forth in the Pre-  
 ' amble of this Bill, the Lord *Clifford* got some to move  
 ' in Favour of the *Dissenters*, hoping that would have  
 ' provoked either the one side or the other, and that  
 ' either the Church Party might be offended, with the  
 ' Motion, or the *Dissenters*, with the refusing it. That  
 ' was stopt by Alderman *Love*, who desired, tho' his  
 ' own Perswasion was well known, that nothing with  
 ' Relation to them might intervene to stop the Securi-  
 ' ty, that the Nation, and the *Protestant* Religion  
 ' would have by that Act; in this he was seconded  
 ' by most of that Party, so that the Act was obtained  
 ' in some Measure, by their Assistance, and therefore  
 ' it would be hard to turn it against them; for the  
 ' King was then highly offended with them, for the  
 ' giving up his Declaration. This wrought so much  
 ' on that House, that was so Zealous for the Church,  
 ' that they ordered a Bill to be brought in for the ease  
 ' of



of *Protestant Dissenters*, in which little Progress was  
 indeed made, yet to the End of that Parliament, the  
 Conventicles were held very publicly, and they  
 never pass'd a Vote, or made an Address against  
 them. In the End of King *Charles's* Reign we all  
 Remember, that a new Prosecution of them was set  
 on Foot, and even then when the Severities against  
 them were very hard, they were solicited by the  
 Agents of the Court to Petition for a *General Toler-*  
*ation*, but they could not be prevailed on. What  
 some of them did in King *James's* Reign is well  
 known, and cannot be excused. By all this we see,  
 that the whole Management with Relation to Dis-  
 senters, was an Artifice to Advance a *Popish* Interest,  
 which must Needs give a just Jealousie of every thing  
 that looks that way; After the late King had deliver-  
 ed us from all our Fears and Dangers, to whom (*let*  
*Ungrateful and Malicious Men treat his Memory as they*  
*please*) we owe our present Happiness, and that we  
 are now sitting here, his next Care was to secure the  
 Church of *England* by the Act of *Toleration*, which  
 has not only set the *Dissenters* at Ease; but has made  
 the Church both stronger and safer, since God has  
 so Blessed our Labours, that we see the *Dissenters* lose  
 as much strength as we gain by it. The Heat raised  
 by those Dissentions is much allayed, and their Num-  
 bers are abated by a Moderate Computation at least  
 of a Fourth Part, if not a Third. But now they are  
 alarmed and begin to put on more Zeal, for they ap-  
 prehend the *Toleration* is aimed at, and that how  
 little soever seems to be in this Bill, it is a Step, and  
 will be followed by more, that are kept in reserve till  
 this point is once gained. The next Step may be for  
 their Wives and Children, and so the Matter may be  
 carried on till the whole *Toleration* is broke through.  
 If one Picks at a great Dyke that keeps out the Sea,  
 it will be thought, how small a Breach soever he  
 makes at first, that he Designs a total Inundation.  
 This seems to weaken and shake the *Toleration*, so  
 Men will grow jealous, and be on their Guard, and  
 by this Means we of the Church shall not have so  
 free and unexcepted an Access to work on their Rea-  
 sons, which we now do with so much Success, when  
 once their Passions are kindled against us. The pre-  
 sent



December. *sent State of our Affairs make this yet more Unseasonable. It is a common Maxim, followed even by Persecutors to keep Things quiet at Home, when Nations are engaged in War; especially in such a War as this, which is for universal Monarchy, where all is at stake. There may happen great Accidents in War, and it is no way advisable to raise Discontents or Apprehensions in great Numbers at Home, which may come to have very ill Effects, when we are in no good Condition to deal with them.*

*I know somewhat of Foreign Affairs: During the first Six or Seven Years of the last Reign, it was the common Topick of the Agents of France, in the Courts of our Allies, that England was so dis-jointed by Factions at Home, that there was no trusting to it; no doubt the same Arts are now practised. Portugal and Savoy are Two Allies of the greatest Consequence to us, who have no Strength to resist the Force that will be poured in upon them, but as they hope to be supported by the Treasure, the Fleet and the Assistance of England. Any thing that divides and weakens us must give them a melancholy Prospect, and may make very dangerous Impressions on them; whereas our Union at Home, and the Maintaining the happy Calm the Nation is now in, will encline them to depend more firmly on our Treaties with them.*

*Some Things give a just Suspicion, when the Men who promote them, and write for them without Doors, are the known and avowed Enemies of the Government, who deny the Queen's Title, and are looking to one beyond Sea. Can we think that those who separate from our Churches, and have raised a Schism in it, can be Zealous for the Peace and Order of the Church? They are Zealous for somewhat else, and therefore we may well believe their Zeal in this particular, is with a View to that to which they are driving. One Author, who has writ Two Books in behalf of this Bill, is known to be the Furiouſest Jacobite in England, and does not conceal it, even in those Books. In one of these he says, He is one called an High Church-man. These are new Terms of Distinction, raised on Design to distract us yet more. I know no High Church, but the Church of*

*Rome,*

Rome, and that Author L—— has in another Book shew'd us, how near he comes to that Church, when he Proposes, *That a Treaty may be set on Foot between our Convocation, and the Assembly of the Clergy of France; and that we should abate the Regal Supremacy, and they the Papal*, and then, he fancies, all other Matters could be easily adjusted: So here we see who are to be called *High Church*. Our Legal Establishment founded upon Primitive Pattern, is the true Measure of our Church; and those who rise above it, are as much out of the Way, as those who fall below it. But I knew one of the Eminentest Papists of the Age, who used often to say, *He was for the Church of England as by Law Established*, I took the Liberty to ask him how such a Profession did agree with his Sincerity? He answer'd, *He looked upon the Laws of Queen Mary as yet in full Force, for he thought Queen Elizabeth who repealed them, had no more right to the Crown than Oliver Cromwell had, so that her Laws were no Laws*. I confess ever since that time, I have been jealous when I hear some Persons pretend so much Zeal for the Church of England. The Fury with which this matter is driven, does heighten the Jealousie. What great Matters could this Bill produce, if there were not somewhat under it?

How comes it that our Bench should be indecently treated, because we cannot all of us think it reasonable, and do not apprehend that we need it? We have in the whole course of our Lives adhered to the Interest of the Church at all Perils, and in all Times, without ever once in any particular leaning to the Dissenters: And yet we, who have been our whole Life long, by our Labours and Writings, Building up the Church, must now be defam'd as the Underminers, because we cannot comply with other Men's Notions. The Head of our \* Order is misrepresented \* Arch- with as much Injustice as Virulence, tho' he stood as bishop of in the Front of the Church in the most dangerous Canterbury. Times; and false Stories are made, and publickly reported of him. I love not to use harder Words, but this could be the better born, if it were not for the Relations and Dependences of those who vent'em. I my self have met with a large share of such Treatment, tho' in no step or part of my Life, I c-

ver

December.

' ver gave the least Occasion for it. When I wrote  
 ' the History of Reformation, for which I had the Thanks  
 ' of this House, I was then under no Byass; I had nei-  
 ' ther Favour nor Interest to tie me, so that I wrote  
 ' purely what was my own Sense of Things; and yet  
 ' I took Care to mark all the first Beginnings of Non-  
 ' conformity, all the Grounds they went on, and all the  
 ' Colours that imposed on them, and have shew'd the  
 ' Mistakes and Weakness of every one of them, with  
 ' an Honesty and Zeal that ought to set me beyond  
 ' Suspicion. But I own I began the World on a Prin-  
 ' ciple of Moderation, which I have carried down thro'  
 ' my whole Life, and in which I hope I shall continue  
 ' to my Life's End. There was a Time when those  
 ' who are now so furious, and perhaps so full of  
 ' Hopes, needed my Service, and I had some Credit,  
 ' which for some Years was chiefly employ'd in their  
 ' Behalf. Your Lordships may remember with what  
 ' Vehemence I pleaded, for excusing the depriv'd Bi-  
 ' shops from the Oaths. Others were then, and are  
 ' now in great Posts, who I am confident will do me  
 ' the Justice to own, that I was the common Agent  
 ' both for Papists and Jacobites in Distress; for which  
 ' we are now so ill rewarded. But now to speak to  
 ' the Title of the Bill, *Occasional Conformity*, I cannot  
 ' in the general condemn this, but as it is accompa-  
 ' nied with Error and Mistake. For a particular In-  
 ' stance, I my self was an Occasional Conformist  
 ' in Geneva and Holland. I thought their Churches  
 ' were irregularly formed under great Defects in  
 ' their Constitution, yet I thought Communion with  
 ' them, was lawful, for their Worship was not corrupt-  
 ' ed; but at the same time I continued my Communion  
 ' with our own Church, according to the Liturgy of  
 ' this Church, with all that came about me. And if  
 ' the Designs of some of the Promoters of this Bill, should  
 ' be brought about, and I driven beyond Sea, (unless  
 ' among other unpardonable People, I should be at first  
 ' knock'd on the Head) I, in that Case, would commu-  
 ' nicate with the Foreign Churches. but would like-  
 ' wise gather all of this Church about me, and still  
 ' continue to worship God according to the Liturgy  
 ' to my Life's End. So I think *Occasional Conformity*,  
 ' with a less perfect Church, may well consist with  
 ' the

the continuing to worship God in a more perfect one. It remains then a Point of Opinion which Church or Society is the less perfect. In this I am very sure our Church is the more perfect and regular, and that the Separation is founded upon Error and Mistake; and that true Edification is among us, and not among them; but some of them by unhappy Education, think otherwise, and in this they are certainly to blame, as they are in every Part of the Separation. But if it is intended to tolerate them under their other Mistakes, I do not see why this should not be tolerated likewise, since it is much less dangerous than the other Practices, which are not at present complain'd of.

'The noble Historian, whom ye are now all reading with much Pleasure, finds great Fault with those who did not go to the *French Churches*, even where they had an Ambassador's Chappel to resort to, tho' this was certainly an *Occasional Conformity* with a less perfect Church, where there was no Obligation to go to it; and when they had a more perfect one at hand. It has been a Topick insisted on by all who have writ against the *Dissenters*, from the first Beginning of the Disputes down to the present Times; they have been always called on to come as near the Church as they could, and to do all that they could do with a good Conscience, and therefore before the Wars, great Difference was made between the *Puritans* and the *Brownists* or *Separatists* on this very account: But now all that is reversed; the Separatists are well lookt on, whereas those who come much nearer us are discouraged, tho' we all see, that this is a Step, by which many come over entirely to us, and the Children of others do enter into a constant Communion with us; and shall we go to cast a scandal on this to discourage it?

'In my Diocess, those who are *Occasional Conformists* out of Principle, who sometimes go to Church, and go sometimes to Meetings are without Number; who yet have no Office, and seem to pretend to none; I confess I do not desire to press it too hard upon them, that they may not do both, lest this instead of keeping them from Meetings, hinder them from coming to Church. I have heard but of one in Office



December. 'fice in my Diocefs, who goes to Meetings, and that  
 is only to a weekly Lecture.

'Therefore ſince *Occaſional Conformity* is only to be  
 'blamed, when it goes upon an Errour and a Miſta-  
 'ken Principle, I do not ſee why it ſhould be worſe  
 'Treated than the Errors that are now Tolerated, for  
 'it is that of all the other Errors, *that which has done*  
 '*the greateſt ſervice to the Church.*

'I now come to the Bill itſelf: I miſs a Preamble  
 'here, that was in the former Bill in favour of Tole-  
 'ration, which is now left out; I confeſs I don't know  
 'how it came to be there, for it did not very well  
 'agree with the Bill, eſpecially as it was firſt ſent  
 'up to us. It put me in mind of a Clause in the Sen-  
 'tence of the Inquiſitors; when a Heretick is Con-  
 'demned, and delivered to the Secular Arm, they con-  
 'jure the Magiſtrate by the Mercies of God, and the  
 'Bowels of *Jeſus Chriſt*, that no harm be done to the  
 'Obſtinate Heretick, neither in Life nor Limb; but  
 'all this is but *farce*, for he is to be burnt immediately:  
 'Yet after all, theſe Words were a ſolemn Declarati-  
 'on, that could not have been forgot, if other Matters  
 'had been afterwards offer'd at: They are now left  
 'out with great ſincerity, no doubt, by thoſe who do  
 'not intend to maintain the Tolerati-  
 'on Act; a very  
 'honest part when they will not profeſs it! I know it  
 'may be ſaid, let us put in theſe Words, and ſtand to  
 'them. But ſtill this will not lay the Apprehenſions,  
 'that the leaving out theſe Words muſt raiſe, as if the  
 'Original deſign of this Bill was to *ſtrike at the Tola-*  
 '*tion*; and that therefore thoſe who have contrived  
 'it, would not limit themſelves by Words of their own  
 'framing, ſo they may, to carry their Point, Conſent  
 'to their being put in by others, to which they do  
 'only give way, which they will not think to be ſuch  
 'a Tye on them, as if they had, of one accord, put  
 'them in the firſt Draught of the Bill. There are o-  
 'ther Words in the Preamble that do not appear to  
 'me to be well grounded after the Two Acts, the *Cor-*  
 '*poration Act* and the *Teſt Act* are ſet forth. It is infer-  
 'red, that it was intended that all Men comprehended  
 'in them ſhould be, and always continue to be of the  
 'Communion of the Church of *England*. By the firſt  
 'of theſe Acts no Man could bear Office in a Corpo-  
 'ration,

ration, unless he had received the Sacrament within a Year before; and by the other, he who had a Place of Trust was to receive the Sacrament within Three Months after, so by these Acts, it is very true, that no Man might be in any Employment, who either had not been or was not then in the Communion of the Church, but there is not a Clause nor a Word in either of these Acts, that imports, that he should always continue to be so. If the Clause once offered had been received, obliging such Persons to come to Church once a Month, and to receive the Sacrament once a Year, then this Intention should have been fairly declared; but, as it is, since no such Clause appears, I don't see how in a Recital we can affirm a Thing that has no Foundation, for how unlimited soever our Enacting Power may be, yet in a Recital a Thing must either be as it is set forth to be, or all the Authority on Earth cannot make it to be otherwise than it is. As for the Enacting Part, when in a Proper Time a Bill shall be brought in, Disabling all to hold any Employment, but those who continue to be in the Communion of the Church of England, I shall concur in it heartily; but for a Fine of 50*l*. I cannot agree to it; That Punishment goes further than disabling; I cannot agree to any such Clause: Nor is it consistent with the Act of Toleration, to lay a heavy Fine for going to a Meeting Toleraed by Law: Nor can I consent to the Reckoning the *Foreign Churches Toleraed among us*, which are by Name excepted in the Act of Uniformity, among the Meetings of the Separatists from our Church. *This will have a strange Sound all the World over, and will be a mighty Discouragement to all Abroad,* who expect Deliverance and Protection from hence, when they understand that it is made so Criminal a Thing to worship God with them, and according to their Way: For these Reasons I think this Bill ought not to be now entertained, but that the subject Matter of the Bill ought to be left to be considered at a proper Time.

This Speech some would then have to have been seconded by another, said to be spoke by the Lord H—, tho' I am assured from a noble Peer, nothing of that kind was spoke in the House; however, as a  
Speech

December

Speech without Doors, it may not be improper to insert it here, as contributing somewhat to the Discovering of the Temper of the Times, and is the same that follows:

*My Lords,*

Another  
Speech-  
gainst it.

'I Am very little personally concern'd in this Bill;  
'I have no Office, I expect none, nor do I desire  
'any; and yet I pay as much Duty to her Majesty,  
'and wish as well to her Government, as those that  
'have half a Dozen.

'I shall not, *my Lords*, enter into the Consideration  
'of the Justice or Injustice of this Bill, whether a  
'Man may be deprived of what he has a legal Right  
'to, without any Forfeiture on his part; tho', in my  
'Opinion, he may; because private Right is always  
'to give place to publick Safety; and nothing else  
'can justify one of the best Bills that ever was made  
'for the Security of the Protestant Religion, I mean  
'the *Test Act*: But this is not the Case here; the Per-  
'sons affected by this Bill are such as have always been  
'serviceable to the Government, and are some of the  
'best Friends to it.

'Nor shall I trouble your Lordships to shew, that  
'the great Enemies of the State do not so much con-  
'sider you as you are Three different Nations, but as  
'you are an imbodied People under one Sovereign.  
'Neither does the Church of *Rome* so much oppose  
'you, as consider'd under the Notion of Church of  
'*England*, Occasional Conformist, or Dissenter; but as  
'you are part of the Northern Heresie, as you deny  
'the Supremacy, Infallibility, and assert the Idolatry  
'of their Church: They have no more Affection for  
'any one of these Perswasions, than for another, equal-  
'ly design the Ruin of us all.

'But, *my Lords*, that which I shall strictly speak  
'to, is the Point of Time in which this Bill visits  
'you; and, in my Opinion, it could never have  
'come in a more unseasonable and more dangerous  
'Juncture: I hope your Lordships will not think I  
'wander from the Subject of the Debate, if I shew  
'you a little the present Posture of our Affairs, as so  
'many Arguments that at least will, I hope, justify

'me

me for giving my Vote against a Second Reading of *December.*  
this Bill.

First, *my Lords*, If we consider what a Potent, what a vigilant Adversary we have to struggle with, of the French King, a Prince whose Designs are laid upon the greatest Maturity of Deliberation, carried on with the greatest Secrecy, and executed with the greatest Dispatch: There is no unsteadiness in his Councils, his Troops are never surprized, his Designs are never betray'd, his Attempts never disappointed by either the Emulation, Envy or Private Piques of his Great General: He can bring his Armies sooner into the Field, and keep them longer there than we can; nay, can do more with a small Part, after we are gone into Winter Quarters, than we can with the main Body of ours in a whole Campaign, and that too when they are commanded by a General that has Retriv'd the Glory of the English Nation. Sure, *my Lords*, all Heads, all Hearts, all Hands, are little enough against such an Enemy.

In the next Place, *my Lords*, what heavy Taxes lie upon us here at Home, without any hope of Ease, and very little Expectation of Advantage? The Reason why Men chearfully undergo such Burthens, is because they expect some publick Advantage by them, or at least that they may enjoy the Remainder with Security: But when they have no Prospect from what is given, and are not secure of enjoying what is left, it will come very hard. We have, *my Lords*, given great Sums the last Year for the Army; but what great Matter have we done? For my own part, I think no Man can reasonably Expect more from what we are now raising this Year, than to meet again next Winter, and give more, and so on.

And as to our Navy, what a vast and fruitless Expence have we been at? I confess to your Lordships, when I consider these Two Heads, it puts me in mind of old Jacob's Propheisie of his Son Issachar, in the 49th Chapter of Genesis, Issachar is a strong Ass couching under Two Burdens, he bowed his Shoulders to bear, and became a Servant to Tribute. I believe this Propheisie has been fulfil'd elsewhere.



December.

‘ Was there ever such an Expedition undertaken as that into the *Streights* last Summer ? I could never yet meet with that Man who could give a reasonable Account of it : Sure, no Man will say that it was to carry on your *Trade* ; that was to put the Nation to a Million Expence to carry out 3 or 400000*l.* and make a kind of Necessity of as much more to bring it Home : Nor will any Man, I think, own that so great a Force was sent thither to make the *Italian Princes* declare for the Emperor, and then leave them to the Mercy of the *French* : ’Tis very true, so vast a Fleet plainly shew’d *how formidable a Power the Confederates were by Sea* ; but sure, it shew’d also *the Weakness of our Conduct, that knew so little what to do with it.*

‘ But there is one thing, *my Lords*, that above all amazes me : Every Body knows that the Foundation of all our Expectations and Designs of placing the *House of Austria* on the Throne of *Spain*, is laid on the Assistance we expected from *Portugal* ; we know too by the Manner of that Prince’s Conduct and Treatment with us, that no Prince is govern’d more by Interest. Why then was not a greater Part of so vast a Fleet left there to *Countenance or secure him* ? Sure, ’tis unaccountable that he should have any just Cause to apprehend himself either *forgotten or neglected.* No Man knows what Difficulties or delays may force him to.

‘ A noble Lord with a *White Staff*, gave it as a Reason, *who, tho’ he was against the bringing in of this Bill, yet since it had passed another place, he was for it ; because the not Passing of it now, he feared would create a great Disturbance in our Affairs ;* which I take to be a great Reason against this Bill : For ’tis very well known the *Leading Part* of the Nation are most concerned in it ; and if this Bill should pass, the sad Effects of it would soon be found in the *Exchequer.*

‘ Besides all this, *my Lords*, what great and irreparable Losses have we had ? The Parliament may Vote Money, and Money may build Ships ; but ’tis impossible to recover our *Seamen, nor is there any Encouragement to them, or Nursery for them.*

‘ There

'There is one thing more, *my Lords*, which I will at present but name ; because upon some other Occasion I intend to speak more of that point. It may perhaps seem to big to be named, but I shall never think any thing so, that may prove dangerous to the Crown or Government : *It is the extraordinary Favour of one or two Persons.* A Thing that has been very fatal to the Royal Family, and what has been may be. I will only in short say, When all the Favour is bestowed upon One or Two Persons, when all the Power by Sea and Land is either virtually or openly in one Hand ; when all the Offices, like a Set of Locks, are commanded by one *Master Key* ; I pray God it never again prove fatal both to Crown and Country.

'Give me leave only to recapitulate and say, whether your Lordships consider the present Posture of our Affairs, either at Home or Abroad, by Sea or Land, in a Court or Camp, I can never think this a proper Time for such a Bill.

However this was, several Peers spoke loud against the Bill, particularly the Duke of D-----, the Earl of P-----, the Lord M-----, the Lord F-----, and the Lord W-----. The last of these to shew the Unseasonableness of any thing that might seem to lead to Persecution, took notice of the distracted State of *Scotland*, and of the Insolence of the *Papists* in *Ireland* ; adding, they ought rather to imitate the Parliament of the latter Kingdom, in their Zeal against *Popery*, than to frame Laws to encrease their Divisions here. And the Lord M-----, a Peer eminently conspicuous for his Parts, and his Affection to the Protestant Succession, did not stick to say, that if they passed this Bill, they had as good Tack the pretended Prince of Wales to it.

Upon the whole Matter, the Bill after a Second Reading, was rejected by a Majority of 12 or 13 Voices, but because there is some Difference, especially in the Preamble between this and the Bill, the preceding Year, it will not be improper to insert an Abstract of it in this place.

The Bill.  
rejected.

December.

An Abstract of  
the Occasional Con-  
formity  
Bill.

Whereas by an Act made in the 13 Year of the Reign of King *Charles* the Second, Entituled, *An Act for the Well-Governing and Regulation of Corporations*, it is, among other Things therein contained, Enacted, That from and after the 24 Day of *March*, 1663. no Person or Persons should for ever be Placed, Elected or Chosen in or to any Office or Place of Mayor, Alderman, Recorder, Bailiff, Town-Clerk, Common-Council-Man, or any Office or Offices of Magistracy, or Place, Trust, or other Employment relating to, or concerning the Government of any City and Corporation, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, who should not within One Year next before such Election or Choice, have taken the Sacrament of the Lord's Supper, according to the Rites of the Church of *England*; and in default thereof every such Placing, Election and Choice, was thereby Enacted and Declared to be void.

And whereas, by another Act made in the 25th Year of the Reign of the said King *Charles* the II<sup>d</sup>. Entituled, *An Act for preventing Dangers which may happen from Popish Recusants*, it is Enacted, among other Things therein contained, that all Persons, who should be admitted into any Office, Civil or Military, after the first Day of *Easter-Term*, in the Year 1673. should receive the Sacrament of the Lord's Supper, according to the Usage of the Church of *England*, within Three Months after their admittance, in some Publick Church, upon some Lord's Day; and that all Persons, who should Neglect or Refuse to take the Sacrament, as aforesaid, should be, *ipso facto*, adjudged Incapable, and disabled in Law to all Intents and Purposes whatsoever, to have or Enjoy the said Offices or Employments. By which said several Acts it was manifestly intended, That all Persons to be admitted into such Offices and Employments should be, and always remain conformable to the Church of *England*, as by Law Established; yet the said Acts have been most Notoriously and Scandalously eluded by many Dissenters from the Church of *England*, who have received the Sacrament of the Lord's Supper, in order only to have or retain such Offices and Employments, and

and to evade the Penalties of the said Laws, and have afterwards withdrawn themselves from the Communion of the Church of *England*, and resorted to Conventicles for the Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of *England*.

For the preventing therefore such Scandalous and Irreligious Practices for the Future, and the Evil Consequences thereof.

*Be it Enacted, &c.* That if any Person or Persons, after the 24th Day of *March*, 1704. either Peers or Commoners, who have, or shall have any Offices, Civil or Military, or shall have any Command or Place of Trust from or under her Majesty, her Heirs or Successors, or from any of her Majesty's Predecessors, within the Kingdom of *England*, &c. or in the Navy, or in the several Islands of *Jersey* and *Guernsey*, or shall be admitted into any Service or Employment in the Household or Family of her Majesty, her Heirs or Successors, or if any Mayor, Alderman, or other Person, bearing any Office of Magistracy, or Place, or Trust, or other Employment relating to, or concerning the Government of any of the respective Cities, Corporations, &c. who by the said recited Acts, or either of them, were, or are obliged to receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, shall at any Time after their Admission into their respective Offices or Employments, or after having such Patent or Grant, Command or Place, or Trust, during their continuance in their Offices or Employments, Knowingly or Willingly resort to, or be present at any Conventicle or Meetings, under Pretence of any Exercise of Religion, in other Manner than according to the Liturgy and Practice of the Church of *England*, in any Place within the Kingdom of *England*, &c. at which Conventicle, there shall be Ten Persons or more assembled together, shall Forfeit 50*l.* to be recovered by him or them that shall sue for the same, by any Action of Debt, Bill, Plaint or Information, in any of her Majesty's Courts at *Westminster*; Wherein no Effoign, Protection, or Wager of Law shall be allowed, or any more than one Imparllance.



December.

And, be it further Enacted, That every Person Convicted in any Action, or upon any Information; in any of her Majesty's Courts at *Westminster*, or at the Assizes shall be disabled from thenceforth to hold such Offices or Employment, and shall be adjudged Incapable to bear any Office or Employment whatsoever, within the Kingdom of *England*, &c.

*Provided always*, That if any Persons, who shall have been convicted, and thereby made incapable to hold any Office, shall, after such Conviction, Conform to the Church of *England* for the space of one Year, without having been present at any Conventicle or Meeting, and receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, at least Three Times in the Year, such Persons shall be capable of the Grant of any the Offices or Employments aforesaid:

*Provided also*, And be it further Enacted, That every such Person so Convicted, and afterwards Conforming in Manner aforesaid, shall at the next Term after his Admission into any such Office or Employment, make Oath in Writing in any of her Majesty's Courts at *Westminster*, or at the next Quarter Sessions for that County or Place where he shall reside, That he has conformed to the Church of *England* for the space of one Year, before such his Admission, and that he has received the Sacrament of the Lord's Supper at least Three Times in the Year, provided that no Person shall suffer any Punishment for any Offence committed against this Act, unless Oath be made of such Offence, before some Judge or Justice of the Peace, within Ten Days after the said Offence committed; and unless the said Offender be prosecuted for the same within Three Months after the said Offence committed; nor shall any Person be convicted for any such Offence, unless upon the Oaths of Two credible Witnesses at the least.

*Provided always*, That this Act, nor any thing therein contained, shall not extend, or be judged to take away, or make void any Office of Inheritance; nevertheless, so as such Persons having or enjoying any such Office of Inheritance do or shall Substitute and Appoint his Sufficient Deputy, to Exercise the said Of-

Office until such time as such Person having such Office, shall Conform, as aforesaid. *December*

Having in this manner given an Abstract of the Bill, it will not be improper to add a List of the Lords Spiritual and Temporal, who voted for or against it, to which also we shall add the Proxies.

For the Bill.

Lord Treasurer,  
Lord President,  
Lord Privy-Seal.

Dukes.

Leeds,  
Bedford,  
Marlborough.

Earls.

Jersey, then Lord-Chamberlain.

Kent,  
Bridgewater,  
Northampton,  
Denbigh,  
Winchelsea,  
Carnarvan,  
Thanet,  
Scarsdale,  
Anglesea,  
Suffex,  
Nottingham,  
Rochester,  
Abington,  
Plymouth.

Viscounts.

Weymouth,  
Longeville, since dead.

Barons.

La Warr,  
Chandois,  
Pawlet,  
Byron,  
Osborn,  
Dartmouth.  
Siawell,  
Guilford,  
Ashburnham,  
Barnard,  
Weston,  
Granville,  
Guernsey.

Bishops.

York,  
London,  
Winchester,  
Rochester,  
Chester,  
St. Asaph.

Proxies.

Northumberland,  
Schornberg,  
Lindsey,  
Exeter,  
Sandwich,  
Bishop of Durham,  
Bishop of Landaff,  
Bishop of Exeter,  
Willoughby of Brook,  
Brook,

*December. Brook,*

*Maynard,  
Leigh,  
Craven,  
Lempster,  
Gower,  
Conway.*

In all 59.

*Against the Bill.*

Dukes.

*Devonshire,  
Somerset,  
Richmond,  
Southampton,  
St. Albans,  
Boulton,  
Newcastle.*

Earls.

*Derby,  
Leicester,  
Bullingbrook,  
Manchester,  
Rivers,  
Peterborough,  
Stamford,  
Sunderland,  
Essex,  
Feverham,  
Radnor,  
Berkley,  
Portland,  
Torrington,  
Scarborough,  
Bradford,  
Rumney, since dead.  
Orford.*

Viscounts.

*Say and Seal,  
Townsend.*

Barons.

*Albergaveny,  
Ferrers,  
Wharton,  
Paget,  
Howard of Escrick,  
Grey of Wark,  
Lovelace,  
Molun,  
Vaughan.  
Colepepper,  
Lucas,  
Buckingham,  
Berkley,  
Cornwallis,  
Ossulston,  
Herbert,  
Haversham,  
Somers,  
Hallifax.*

Bishops.

*Canterbury,  
Worcester,  
Salisbury,  
Ely,  
Litchfield,  
Norwich,  
Peterborough,  
Lincoln,  
Chichester,  
Oxford,  
Bangor.*

Proxies.

## Proxies.

Suffolk,  
Carlisle,  
Dorset,  
Burlington, since dead,  
Mountague,  
Coventry,

Fitzwalter,  
Ewe,  
Wiltoughby of Parham,  
Bishop of Hereford,  
Bishop of Gloucester,  
Bishop of Bristol.

In all 71.

The Question being carried for rejecting the Bill,  
the following Peers entred their Dissent.

G Odolphin,  
Rochester,  
Buckingham,  
La Warr,  
Thanet,  
Northampton,  
Marlborough,  
Winchelsea,  
Nottingham,  
Abingdon,  
Longueville,  
Weymouth,

Guilford,  
Granville,  
Guernsey,  
Fersey,  
Weston,  
Carnarvan,  
Carmarthen,  
Stawell,  
H. London,  
G. St. Asaph,  
Tho. Roffen,  
N. Cestrien.

The Rejection of this Bill by the Lords did so much  
create a Misunderstanding between them and the Com-  
mons, that the latter address'd the Queen Decemb. 23d,  
to suffer no Diminution of her Prerogative, suggested to  
be invaded by the Lords, by appointing a Committee  
for the Examination of some Persons in Custody con-  
cerning the *Scotch Plot*: This their Lordships highly  
presented. Wherefore to Vindicate their Honour, and  
Assert their Privileges, they resolved and declared ;  
' That by the known Laws and Customs of Parlia-  
' ments, they have an undoubted Right, when ever  
' they conceive it to be for the Safety of her Majesty,  
' and the Kingdom, to take Examinations of Persons  
' charged with Criminal Matters, whether they were  
' in Custody or not ; and to order that Persons to be  
' Examined, be taken into Custody of her Majesty's  
' sworn Officer attending their House. And, That the  
' said Address of the Commons was Unparliamentary,  
' Ground.

January.

Votes of  
the Lords  
to Vindi-  
cate their  
Honour  
and  
Rights.  
12, and 13



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Groundless, without Precedent, and highly Injurious to the House of Peers, tending to interrupt the good Correspondence between the Two Houses, and create an ill Opinion in her Majesty of their House; and of dangerous Consequence to the Liberties of the People, the Constitution of the Kingdom, and Privileges of Parliament. This done, they appointed a Committee to draw up a Representation upon the said Resolution, which was accordingly done the same Day, and presented the next to her Majesty, and was as follows:

Representation of the Lords to the Queen 18. *May it please Your most Excellent Majesty,*  
**WE** Your Majesty's most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament Assembled, find our selves under an unhappy Necessity of making this our humble Application to the Throne, upon occasion of an Address presented to Your Majesty by the House of Commons, the 23d Day of *December* last, and since that time published to the whole Nation in Print; by which the House of Lords is charged with the Violation of Your Royal Perogative, and of the known Laws of the Land; with wresting Persons suspected of Treasonable Practices, and taken into Custody by Messengers out of Your Majesty's Hands without Your Leave or Knowledge, and in a most extraordinary Manner taking the Examination of them solely to themselves; whereby a due Enquiry into the Evil Practices and Designs against Your Majesty's Person and Government might in great Measure be obstructed. And they conclude their Address by most earnestly desiring your Majesty to Suffer no Diminution of Your Perogative, and promise to Support You in the Asserting it against all Invasions whatsoever. It is not possible for us to remain Silent under this heavy Charge, so Unjustly, and without the least Ground or Colour endeavoured to be Fixed upon the whole Body of the Peers, which tending directly to Create an ill Opinion of us in Your Majesty, Puts us under an inevitable Necessity of Vindicating both the Legality and Dutiful manner of our Proceeding.

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'The Expressions in the Address of the House of Commons are so very Harsh and Undecent, that we may truly affirm the like were never used of the House of Peers in any Age, nor even by that Assembly, which, under the Name of the House of Commons, took upon them not only to Abolish the House of Lords, but to Destroy the Monarchy. We shall carefully Avoid making Returns of that Kind: We consider too much what we owe to our selves; and we know too well the profound Respect due to Your Royal Person, to let any Provocation Transport us so, as to use Words unfit to be offer'd by us to our Sovereign.

'The Matter of this Address is no less Injurious to us than the Terms. There was not the least Occasion for a just Objection to any Part of our Conduct in that Business to which the Address Relates; The Proceeding was strictly justifiable by the known Laws and Customs of Parliament, it was carried on with the utmost Respects to Your Majesty, and with true Zeal for the Safety of Your Person and Government, all that was done was agreed to by the Concurrent Opinion of the House, without the least Objection from any of our Members, who have the Honour of Serving Your Majesty in Your Great Offices and Employments.

'We humbly represent to Your Majesty, That, by the known Laws and Custom of Parliaments, the House of Peers has an undoubted Right, in Cases where they Conceive it to be for the Good and Safety of Your Majesty, and the Kingdom, to take Examinations of Persons charged with Criminal Matters, whether such Persons be then in Custody or not, and also to Order the Persons so to be Examined, to be taken into Custody of Your Majesty's sworn Officers attending the House, during such Examination, or to commit them to any other safe Custody that they shall think proper; and to restrain others, if they see Cause, from having Access to, or Communication with them: The House of Lords has Exercised this Right from time to time, as Occasions have requir'd without Objection. Our Records are filled with Precedents which Warrant our Claim in every part of it, and we presume to Affirm to Your Majesty, That

January.

That the drawing this Right into Question at any Time, cannot but be of Dangerous Consequence to the Liberties and Safety of the People, and to the Constitution of the Government; as tending to avoid or render in great Measure ineffectual the Enquiries of Parliaments, which are so absolutely Necessary, especially where many and great Persons are engaged in dangerous Designs against the Government; or where ill Ministers abuse their Favour towards the Oppressing or Enslaving of the People. Your Majesty's Wisdom and Goodness make us secure at present against all Influences of that Kind, and we Unanimously and Heartily pray we may long Enjoy the Blessing of Your Reign. But if it happens in future Times, that ill Men should gain too great a Degree of Favour with our Princes; how easily will it be for them to Stifle or Defeat all Parliamentary Enquiries into their Crimes? For if the being in Prison, or in the Hands of a Messenger, will protect Men from being Examined in the House of Lords, or from being put into the Custody of the proper Officers of the House, during the Examination, and debarred from Conversing with others; it will certainly be always in the Power of Favourites to cause those who can be Witnesses against them, as well as the Accomplices of their Designs, to be taken into Custody. And if Persons in Custody are out of the Reach of the House of Lords, who are the Hereditary Councillors of the Crown, and in whom a Judicial Power is lodged by the Constitution, it is not to be imagined that the Commons can pretend to a greater Power of Examining, Committing or Restraining them.

No House of Commons till now has given Countenance to this dangerous Opinion, which does so directly tend to the Rendering ill Ministers Safe from the Examination of Parliaments: And we are perswaded no House of Commons hereafter will Assent such a Notion, because they are not wont easily to part with a Power they have Assumed; and it is certain, that they have several Times taken upon them to Exercise an Authority like that which they have so severely reflected on in their Address.

This Consideration gave us the greater Astonishment, to find our Proceeding, represented in the  
 'strange

strange Terms of Wrestling Prisoners out of Your Majesty's Hands, and taking the Examination of them solely to our selves. We believe the ordering Persons to be Examined in that High Court, where Your Majesty is always present in Consideration of Law, and in that Great Council where You may be present in Your Royal Person, as often as You please will never be thought an Exclusion of Your Majesty from the Examinations, if that was intended to be insinuated by saying, we had taken the Examinations solely to our selves. Having thus laid before Your Majesty what it is we claim, and must insist on, as the indisputable Right of the House of Peers; which was never thought in the Time of Your Royal Ancestors to be prejudicial to the just Prerogatives of the Crown, and which is manifestly necessary for the securing the Liberties of Your People, whereof we are assur'd Your Majesty will have an equal care: We humbly beg Leave to lay before You a short State of the particular Matter of Fact relating to these Prisoners, not doubting, but when the whole Proceeding is known to Your Majesty, it will be approved not only as Lawful, but every Way Respectful to Your Majesty.

On Tuesday the 14th of December the House of Lords was informed, that several Persons had been seized by the Custom-House Officers on the Coast of *Sussex*, as they came from *France*, and that amongst them there was one *Boucher*, who was capable of making considerable Discoveries, having been in Arms in the *French* Service for many Years, and Gentleman of the Horse, and *Aid de Camp* to the late Duke of *Berwick*, who stands attainted of High-Treason, and who had been secretly in *England* several Times before; that it was probable, if he was strictly Examined, he might be brought to Confess, since he saw his Life in apparent Danger; but that he was a bold Man, and likely to Attempt an Escape on that very Account, if he was not carefully look'd after; And the House was also told, that there was a general Remissness both in the Taking, Searching and Looking to such Prisoners, which did afterwards appear very evidently in the Examinations that were taken. Upon this Information the Earl of *Nottingham*,



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ham, Your Majesty's Principal Secretary of State, acquainted the House that he had not heard of Boucher's Name particularly, but had sent Messengers to bring one Ogilby, and the other Prisoners who had been apprehended by the Custom-House Officers to Town, and that he believed the Messengers would do their Duty, but he would not be answerable for them.

After this Account of the Prisoners, and of what had been done in Order to Secure them, the House thought themselves obliged in Duty to Your Majesty, and for the Publick Safety, at a Time when the Kingdom is engaged in an open War with France, and that there are too just Grounds to apprehend the dangerous Practices of French Emissaries; to make an humble Address to Your Majesty, that particular Care might be taken for securing the Person of Boucher, and of those who were taken with him, and that none might be suffered to speak with them till they were Examined.

The next Day Your Majesty's Gracious Answer to this Address was reported to the House, That Care had been taken to secure the Prisoners, and that Your Majesty would give Orders that no Body should speak with them till they were examined. Thereupon the Lords entered into a farther Consideration of the Importance of this Matter, and conceiving nothing to be more likely to bring Prisoners, who had forfeited their Lives, to a full Discovery of the Truth, than to find themselves under the Enquiry of a Parliament, they thought it would be of publick Service for them to take Examinations of these Persons, and accordingly an Order was made, that no Persons should speak with the Prisoners, till they had appeared at the Bar of the House.

On the 16th Day the Earl of Nottingham informing the House of Lords, That the Prisoners were brought to Town; the Usher of the Black-Rod was ordered to take them into his Custody, in order to their Examination, and to keep them Separate, and in close Custody, (as Your Majesty had before directed) and it being thought most proper, from the Nature of the Thing, that the Examination should be by a Committee



mittee of Lords, rather than by the whole House, it was resolved accordingly.

' We beg Leave to mention to Your Majesty a Matter of Fact which satisfied the Lords, that their Resolution to take the Examinations of *Boucher*, and the Persons apprehended with him, was neither Unknown nor Disagreeable to Your Majesty : On the same Day when that was order'd, being the 15th of December, the Lords resolved to Examine Sir *John Maclean*, a very Dangerous Person, as was represented to the House, who then stood Committed in the Hands of a Messenger ; and for that Purpose order'd him to be brought to the House the next Day, having, as they then thought, very good Grounds to believe it might prove of great Service to Your Majesty. Sir *John Maclean* was brought to the House according to the Order, but Your Majesty being, pleased so far to take Notice of this Order, as to signify to the House by the Lord Steward, That Sir *John Maclean* had been in part Examin'd already, and that Your Majesty thought it not proper to have that Business taken out of the way of Examination it was then in, but that Your Majesty would in a short time Communicate it to the House; the Lords immediately acquiesced in Your Majesty's Opinion, and sent back Sir *John Maclean* to the Place from whence he was brought. It was with this Disposition of Mind the Lords acted in this whole Matter, and if Your Majesty, who no doubt had the same Notice of both Orders, had thought any other Method of the Examination of *Boucher*, and the Persons taken with him, more proper than of the Lords ; they had Reason to conclude Your Majesty would have intimated it at the same Time, and most certainly the House would have had a like Deference for Your Royal Judgment in that Instance also.

' The Lords Committees appointed to Examine the Prisoners proceeded with all possible Dispatch, and made their Report to the House on the 21st of December : Upon Consideration of the Report the House found it requisite to Commit *Boucher* to the Prison of *Newgate* for High-Treason, and the Lords Committees having submitted to the Judgment of the House, whether several Parts of the Examinations

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referred to in their Report, should be laid open to the House, or put into any other way of being farther Enquired into, or Prosecuted ; The House, out of a full Assurance they had, that when the Matter of Fact should be laid before Your Majesty, You would certainly give such Orders thereupon as were every way suitable to Your Royal Prudence, and tender Care of the publick Safety, did unanimously Resolve, without so much as suffering those Parts of the Report to be laid open to the House, that an humble Address should be made from the House to Your Majesty by the Lord Steward, and the Duke of Somerset, (Two of the Lords Committees to whom the Examination had been referr'd) laying before Your Majesty the whole Report, with all Matters relating thereto, and humbly desiring Your Majesty to give Order, That *Boucher* should be Prosecuted by Mr. Attorney-General for High-Treason, and that as to the Commitment, Prosecution or Discharge of the other Prisoners mentioned in the Report, You would be pleased to give such Directions as should seem most proper to Your Royal Wisdom. Thus that as the whole Affair was entred upon out of Zeal for Your Majesty's Preservation, and the Safety of the Kingdom, and was carried on and concluded with all possible Respect to You ; so we had the Comfort to rest assured, That our Behaviour was no less Graciously Accepted by Your Majesty from the Answer You were pleased to make the same Day to our last Address on this Subject, and which was Reported to us on the 22d of *December* by the Duke of Somerset, whereby Your Majesty was pleased to signify to the House, with Your accustomed Goodness, that you would give Order for every thing as the Lords had desired.

Madam, This is a true and just Account of our Proceedings which have been so strangely Misrepresented, and to which no Exception can possibly be taken by any Persons rightly informed. For we had Your Royal Approbation of all that was done ; so the House of Commons could have had no Pretence of Objection, if they had taken the usual Parliamentary Methods of desiring to be informed of what we had done, and of the Grounds of our Proceedings, be-

'before they had approached Your Majesty with such  
'a Representation of them.

'Their carrying this unprecedented Address to  
'Your Majesty in so hasty a Manner, give us almost  
'as great Trouble as the hard Usage we find in it.

'The Ancient, known, and indeed only Effectual  
'Method of preserving a good Correspondence be-  
'tween the Two Houses of Parliament, has been by  
'Conferences. If at any time either House conceiv'd  
'they had a reasonable Ground to object against the  
'Proceedings of the other, Conferences have been de-  
'sired, and the Matter in Debate between them fairly  
'discuss'd, and thereby Mistakes have been declared  
'for the most Part, and a good Understanding culti-  
'vated, and a mutual Respect preserved, which is al-  
'ways highly Requisite in the Nature of our Consti-  
'tution, but more especially Necessary in this time of  
'War and Danger.

'Had the House of Commons thought fit to have  
'pursued this Method upon this Occasion, we should  
'have been able to have given them entire Satisfac-  
'tion, not only of the Lawfulness of all we had done,  
'but of the Just and Weighty Ground upon which  
'we took the Examinations of these Persons into our  
'own Hands: Or at least, if they could have con-  
'vinced us of any Mistake, we should have given  
'them any reasonable Satisfaction.

'But, without making any such Previous Step, the  
'House of Commons have made an Appeal directly  
'to the Throne against the House of Lords, and  
'Charged them, tho' most Unjustly, with Attempts  
'of the Highest Nature. Nothing like this was ever  
'done before, and out of our hearty Concern for the  
'Preservation of our Happy Constitution, we hope  
'the same Thing will never be done again. We know  
'Your Royal Heart is Unmoveably fixed on Preser-  
'ving the Liberties of Your People, and Transmitting  
'them entire to Posterity; but if in after Times the  
'Houses of Parliament should be Appealing against  
'one another to the Crown, (for if such a Course be  
'justifiable in the House of Commons, the same Me-  
'thod may be taken by the Lords) as Your Majesty is  
'now sensible how great Difficulties it necessarily  
'brings upon a good Prince; so it is easie to foresee



*January:* (and we cannot think of it without Terror) how Fatal the Consequences may be in the Reign of an Ill-designing Prince, and what Advantages may be taken from it for utterly Subverting the best ordered Form of Government in the World. There are Examples Abroad where Proceedings of this kind have ended in the Overthrow of the Liberties of the People, which makes us the more apprehend the Beginning of them among our selves. Your Majesty's great Judgment cannot but readily discern, whither it does naturally tend for one House of Parliament to be exciting, and earnestly desiring the Sovereign to exert a real or supposed Prerogative against the other House. It is not easie to imagine what the Commons could expect of Your Majesty from such an Application: The Lords have never entertain'd a Thought of using this Dangerous Method, whatever Occasions may have been given within the compass of late Years; And we promise Your Majesty we will always endeavour to Preserve a good Understanding with the House of Commons, and shall never think it too dear to procure that Union at any Rate, unless that of delivering up those Rights and Powers which are lodged in us by the Law, and without which the Constitution cannot subsist.

We shall never be Guilty of the Presumption of Prescribing to Your Majesty when or against whom You should Exert Your Prerogative, but we will be always ready to Assist You in the Support of all the just Rights of the Crown, as well as in the Maintaining the Liberties of the Subject, which we know are no less dear to Your Majesty.

It may with Modesty and Truth be affirm'd, that the Lords have in all Times been the surest and most natural Bulwark of the Prerogatives of the Crown, they being (as Your Royal Grandfather of ever Blessed Memory was pleas'd to express it) an excellent Screen and Bank between the Prince and the People, to assist each against any Encroachment of the other.

We will never contribute by any Act of ours to the Diminution of the Rights of the Crown, nor as far as we are able, will suffer it in others. We

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'cannot Act otherwise without hurting our selves in the highest Degree, being thoroughly convinced that the Preservation of the Legal Prerogative is not only the surest Way to Secure our own Privileges, but of Absolute Necessity for the Happy and Rightful Administration of the Government. And we hope the House of Commons will in all Times to come speak and Act with that Regard to the Prerogative which they seem to have taken up lately.

'There remains one Particular more which we will only name to Your Majesty, because we rest Satisfied it cannot have Weight any where, that is the Insinuation in the Address, as if the Examination of these Prisoners by the Lords, was in order to Obstruct the Enquiry into the Designs against Your Majesties Person and Government; or at least that it was likely to produce such an Effect. Our Dutiful Zeal for your Majesty's Government, and our warm Concern to Discover all Designs and Oppose all Practices against it, are too well known to the World, that any Suggestions of that sort should make the least Impression to our Disadvantage; and we are very sure 'twas no suspicion of that Nature which gave the true Rise to this very sharp Address. it is easie to determine whether a hearty and forward Undertaking to Search into the Designs of Your Enemies, or the seeking Occasions to Object to, and Interrupt such Endeavours, be most likely to Obstruct the Discovery of the Pernicious Practices of Traytors.

*Most Gracious Sovereign,*

'WE most humbly ask Pardon for Presuming to give Your Majesty the Trouble of this long Representation, which has proceeded from the Passionate Concern we have to stand not only Acquitted, but entirely approved in the Judgment of so Excellent a Queen, and so Justly Beloved of all Her Subjects.

'We depend upon Your Justice as well as Your Goodness, that nothing can do us Prejudice, (from whatsoever Hands it comes) in Your Royal Opinion, while we continue to Act in that Station where we are placed by the Form of the *English* Government, according to the Laws and Customs of Parliament,

January. *ment, with all imaginable Respect and Duty to Your Self, and all possible Zeal for the Safety and Happiness of your Kingdom.*

*' Give us leave to Conclude this our humble Address with this firm Promise, that no Danger, no Reproaches, nor any Artifices whatsoever shall deter or divert us from using our utmost Endeavours from time to time, in Discovering and Opposing all Contrivances and Attempts against Your Royal Person and Government, and the Protestant Succession as by Law Established.*

Her Majesty's Gracious Answer to this Representation was,

My Lords,

*I Am very Sorry for any Misunderstandings that happen between the Two Houses of Parliament, which are so Inconvenient for the Publick Service, and so Uneasie to Me, that I cannot but take Notice with Satisfaction of the Assurances you give me, that you will carefully Avoid all Occasions of them.*

*I thank you for the Concern you Express for the Rights of the Crown, and for My Prerogative; which I shall never Exert so willingly as for the Good of My Subjects, and the Protection of their Liberties*

On the same Day Her Majesty was pleased to give Directions about Regulating the Two Play-Houses, as by the following Order.

ANNE R.

Queen's  
order a-  
gainst the  
Play-  
Houses.

*' WHEREAS We have already given Orders to the Master of Our Revels, and also to both the Companies of Comedians Acting in Drury-Lane and Lincoln's-Inn-Fields, to take special Care, that nothing be Acted in either of the Theatres contrary to Religion or good Manners, upon pain of Our high Displeasure, and of being silenc'd from further Acting: And being further desirous to Reform all other Indelicencies and Abuses of the Stage, which have occasion'd great Disorders, and justly give Offence; Our will and pleasure therefore is, and we do hereby strictly Command, That no Person, of what Quality so,*

‘soever, presume to go behind the Scenes, or come upon the Stage, either before or during the Acting of any Play; That no Woman be allow’d or presume to wear a Vizard-Mask in either of the Theatres; And that no Person come into either House without paying the Prices Establiſhed for their reſpective Places. All which Orders We ſtrictly Command all the Managers, Sharers, and Actors, of the ſaid Companies, to ſee exactly Obſerved and Obey’d: And We Require and Command all Our Conſtables, and others appointed to attend the Theatres, to be Aiding and Aſſiſting to them therein. And if any Perſons whatſoever ſhall diſobey this Our known Pleaſure and Command, We ſhall proceed againſt them as Contemnners of our Royal Authority, and Diſturbers of the Publick Peace.

Given at Our Court at St. James’s the 17th Day of January, 1703. In the Second Year of Our Reign.

In the mean time the King of Spain, arriving on the firſt of this Month at *Spithead*, he immediately went on Board the *Royal Katharine*, well ſatisfied with his Reception and Entertainment at *Windſor*, and with the Honours paid him by the Fleet, and in ſeveral Towns thro’ which he paſſed, both in his Journey thither and in his Return to *Spithead*. The 5th his Maſteſty in the Fleet of Men of War and Transport Ships, *Engliſh* and *Dutch*, under the Command of Sir *George Rooke*, ſail’d for *Portugal* with a very fair Wind, but on the 12th the Fleet being in the Latitude of 46 degr. 6 min. it blew a violent Storm of Wind at W. S. W. which forced them back agen, and his Maſteſty returned to *Spithead* the 20th, where and at *Portsmouth* he continued all the reſt of this Month. His Maſteſty ſtaid upon the Deck in the Violence of the Storm; and when the Admiral deſired him to go down into the Cabbin, he generouſly reply’d, *No, I will ſtay and ſee your Diligence, and the Labour that you and the reſt of your Officers undergo in my Service.* However thro’ good Providence not one Man of War nor Transport Ship was loſt.

Now Her Maſteſty on the 21ſt going to the Houſe of Peers, and giving the Royal Aſſent to *An Act for granting an Aid to Her Maſteſty, by continuing the Duties upon Malt, Mum Syder, and Perry, for One*



January. Year, afterwards took Occasion to make this most Gracious Speech to both Houses:

My Lords and Gentlemen,  
 Queen's Speech about the K. of Spain. 'THE Misfortune of the King of Spain's being forced back upon Our Coast by contrary Winds, which I hope will lose but very little Time, do's yet make it so reasonable to hasten Our preparations for this Year's Service, that, tho' I am very Sensible of your Zeal in forwarding all Things relateing to Mine and the publick Service, yet I cannot but take this Occasion to desire you with all Earnestness that you would give the greatest Dispatch to the Business of this Session still Depending, which is so necessary for the Good of the Common Interest.

The Differences between the Two Houses about the Examination of the *Scotch* Plot were still heightened by the Lords in an Affair, the Cognizance of which the Commons pretended did solely belong to them. The Case was briefly thus; One *Matthew Ashby* commenced and prosecuted an Action at Common-Law against *William White*, Mayor of *Aylesbury*, and others the Constables of that Town, for refusing to admit his Vote at an Election of Burgesses to serve in Parliament for the said Borough; but being cast, he brought an Appeal into the House of Lords, who, upon strict Examination of Witnesses, and after mature Deliberation, gave Judgment in favour of *Ashby*, thereby asserting both the Right of the Electors, and Freedom of Elections: However, the Commons taking these Proceedings as an Incroachment on their Privileges, after having inspected the Lords Journals, resolved, 1<sup>st</sup>, That according to the known Laws and Usage in Parliament, it was the sole Right of the Commons of *England* in Parliament assembled (excepting in cases otherwise provided for by Act of Parliament) to examine and determine all Matters relating to the Right of Election of their own Members. 2<sup>dly</sup>, That according to the known Law and Usage of Parliament, neither the Qualification of any Elector, or the Right of any Person elected, is cognizable or determinable elsewhere, than before the Commons of *England* in Parliament assembled, except in such Cases

26.  
 Commons vindicate their Privileges.

as are specially provided for by Act of Parliament.

3<sup>dly</sup>, That the Examining and the Determining the Qualification or Right of any Elector, or any Person elected to serve in Parliament, in any Court of Law, or elsewhere than before the Commons of *England* assembled in Parliament, except in such Cases as are specially provided for by Act of Parliament) will expose all Mayors, Bailiffs, and other Officers, who are obliged to take the Poll, and make a Return thereupon, to Multiplicity of Actions, Vexations, Suits and insupportable Expences, and will subject them to different and independent Jurisdictions, and inconsistent Determination in the same Case without Relief.

4<sup>thly</sup>, That *Matthew Ashby* having in Contempt of the Jurisdiction of this House, commenced and prosecuted an Action at Common-Law against *William White*, and others the Constables of *Aylesbury*, for not receiving his Vote at an Election of Burgesses to serve in Parliament for the said Borough of *Aylesbury*, is guilty of a Breach of the Privilege of this House. 5<sup>thly</sup>, That whoever shall presume to commence or prosecute any Action, Indictment or Information, which shall bring the Right of the Electors, or Persons elected to serve in Parliament, to the Determination of any other Jurisdiction, than that of the House of Commons (except in Cases specially provided for by Act of Parliament) such Person and Persons, and all Attornies, Solicitors, Councillors and Serjeants at Law, soliciting, prosecuting or pleading in any such Case, are guilty of a high Breach of the Privilege of this House: And order'd these Resolutions to be fix'd on *Westminster-Hall-Gate*, sign'd by the Clerk.

Another Affair gave the Commons Occasion to carp at the Proceedings of the Lords. On the 20<sup>th</sup>, *Charles Bathurst*, Esq; presented a Petition to the House of Commons, touching an Order made by the House of Peers the 12<sup>th</sup> Day of *February*, 170<sup>2</sup>. with Relation to an Order made by the Court of *Exchequer* the 15<sup>th</sup> of *July*, in the Thirteenth Year of King *William*, concerning an Inquisition and Survey of the Boundaries of the Honour of *Richmond*, and Lordship of *Middleham*, and of many other Manors bounding thereupon and praying such Relief on the Subject Matter of this Petition as the House should think meet.

*January.* meet. Hereupon the Commons appointed some of their Members to search the Journals of the House of Peers, and the Offices of the Courts of *Exchequer* and *Chancery*, touching their respective Proceedings in relation to this Affair. Those Members having made their Report, the House in a grand Committee took the same into Consideration, and, after a long Debate resolv'd, That the House of Lords taking Cognizance of, and proceeding against *Thomas, Lord Wharton*, complaining of an Order of the Court of *Exchequer*, bearing Date the 15th of *July*, One Thousand Seven Hundred and One, for Filing the Record of a Survey of the Honour of *Richmond*, and Lordship of *Middleham*, in the County of *York*. is without Precedent and unwarrantable, and tends to the Subjecting the Rights of all the Commons of *England* to an illegal and Arbitrary Power: And that it is the undoubted Right of all the Subjects of *England* to make such Use of the said Record as they might by Law have done before the said Proceedings of the House of Lords.

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But, notwithstanding these Contests between the Two Houses, all possible Preparations were made for War, both in *England* and Abroad; General *Coeboorn* in *November* last having taken the Fort of *Duyl* in *Flanders* from the Enemy, a Body of *French* Troops on the 4th Instant came before it, and fired upon it: They intended to have taken the Advantage of a hard Frost to storm it, but were prevented by a sudden Thaw, and the Weather continuing open all the rest of the Month, after they had Bombarded and Cannonaded the Fort by Intervals near a Month together, they drew off from before it. All this while the States-General well weighing, that a great Force without a timely and wise concerting of Measures how they should act, would not signify much against so potent and active an Enemy, by their Envoy Extraordinary at the Court of *England*, represented to the Queen, That the Coming of the Duke of *Marlborough* thither might be of great Advantage to the Common Cause in that Juncture; and having therefore pray'd Her Majesty to give his Grace Leave to pass the Sea for a few Days; Her Majesty was pleas'd to direct his Grace to go over accordingly; and

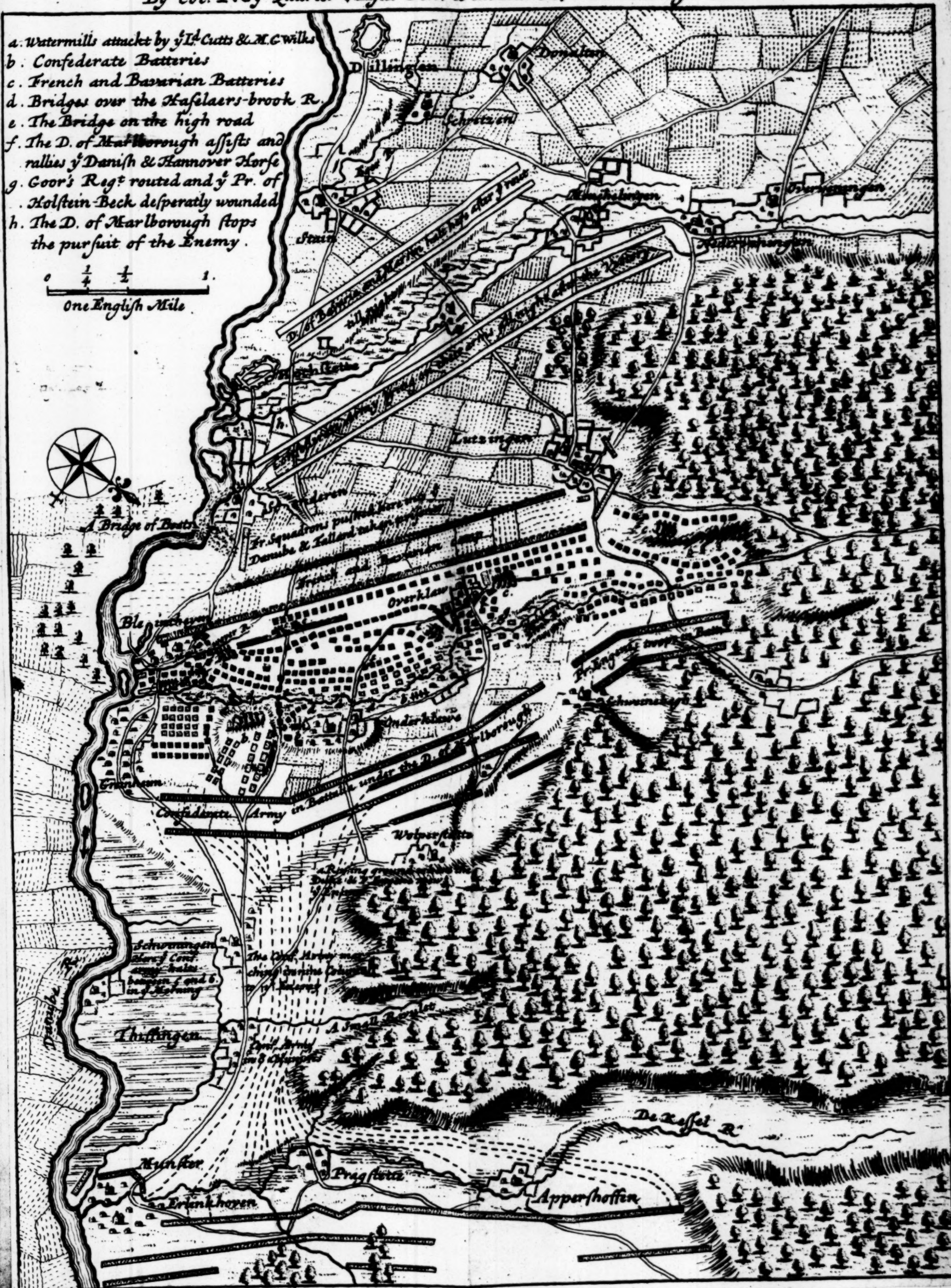
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# A True and Exact Plan of the Field of BATTEL near HOCHSTETTE,

With the several Camps and Marches of both Armies.  
By Col. Ivory Quarter Master Genl to the Duke of Marlborough &c.



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and he landed at *Rotterdam*, and from thence going to the *Hague* the 29th, he had several Conferences with the Deputies of the States. Here it was that that stupendious March was concerted to the *Danube*, which gave such a Turn to the Affairs of the Empire, as will be an Amazement to all future Generations. Sir *David Mitchel* went likewise over with his Grace, to settle divers Matters relating to the Sea Service with the Deputies of the several Admiralties. About this time the States of *Holland* and *West-Friesland* made their Nomination of General Officers to command the Forces of the States, viz. Monsieur *d'Auverquerque*, Velt-Marshal, Messieurs *Slangenburg* and *Noyelles* Generals of Foot, and Count *de Tilly* General of Horse, and Monsieur *Cochorn* General of the Artillery, which the rest of the Provinces comply'd with, only those of *Friesland* and *Groningen* insisted, that the young Prince of *East-Friesland* should be also made a Lieutenant-General of Foot, which was afterwards agreed to upon some Limitations.

Towards the End of the Month, the Marquess *del Borgo*, the Duke of *Savoy's* Envoy Extraordinary, deliver'd the following Speech to the States-General.

*High and Mighty Lords!*

THE generous Resolution of his Royal Highness my Master in favour of the Common Cause, and the sincere Passion he has to give your High Mightinesses a publick Testimony of his Confidence, have oblig'd him to send me to you.

'Being commanded to take upon me an Employment that requires greater Talents than mine, I am in the utmost Confusion when I consider, that I am come hither no otherwise qualified than with a good Will to execute it. The high Reputation you have acquir'd in the World gave me this Distrust of my Abilities, but I find your Fame does not come up to your Merit, and the Impression this August Assembly makes upon me augments that Distrust. The Honour with which I flatter'd my self now almost sinks me down: Struck with the Lustre of your profound Wisdom, which fills me with Admiration, I reflect on my own Weakness, and that Reflection confounds and disheartens me. But, High

The Envoy of *Savoy's* Speech to the States

and

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and Mighty Lords, what encourages and revives me is, that I come to acquaint you with what you will be well pleased to hear, namely the Sentiments of his Royal Highness my Master.

The high Idea his Royal Highness has of this Republick, and the Remembrance of a Friendship for which he had always so great a Value, makes him ardently desire your powerful Alliance. The Occasion which puts my Master into a Condition of shewing the Consideration he has for your High Mightinesses, is dangerous to his Dominions, and has already brought upon him an unjust and unheard of Treatment. You know it, High and Mighty Lords. But yet this very Occasion gives him great Satisfaction, because it opens him a Way to unite himself with such powerful Allies. You have formerly given him essential Marks of your sincere Affection for him, which justly claim his Royal Acknowledgment.

I say enough, High and Mighty Lords, in telling you, that his Royal Highness my Master's Desire to unite his Interest with yours, does not proceed from a Resentment inspir'd by what has befallen him, but is the Effect of the Esteem he has for you, and of his Concern for the Common Cause. 'Tis for that Cause he is willing to expose his Dominions, exhaust his Treasure, and lavish the Blood of his Subjects; the Blood of his Subjects do I say? His Royal Highness will not spare his own Person, but braving all Dangers, will demonstrate to all the World the Zeal he has for the Liberty of Europe, against a Potentate, that counts all Enemies who will not be his Slaves.

'Tis true, High and Mighty Lords, that to make due Advantage of this magnanimous Resolution of my Master, it is necessary you should second it. It would be a Reflection upon your great Penetration and Foresight, by which at one View you see all the Consequences of the War in *Piedmont*, to offer you any Information on that Subject. I will only join with you in admiring the Divine Providence, which, I think, never disclosed it self more visibly than in the present Juncture. *France* intending to enslave *Italy*, which is an Affair of the utmost Consequence



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sequence to the rest of *Europe*, kindles an unjust War in *Piedmont*, and by this very War the *French* will be driven out of *Italy*, and lose the Tyrannical Superiority they claim over *Europe*. It will be by Means of this War, I say, and by the Vigour with which you will help to maintain it, that the Chains of the State of *Milan* will be broken, that the very heart of *France* will be made to feel the Wounds she deserves. It is by making this powerful Diversion, in a Word, that Quiet, Security, and Peace may be fully obtain'd.

'You know, High and Mighty Lords, that to hasten all these Benefits, your High Mightinesses ought to hasten your Resolutions. The Alliance that must produce this great Success must be speedily fix'd. The Enemy we are to encounter, is never wanting to his Word when he threatens, and he does threaten us haughtily enough. Do not therefore add to his Power, the Advantage he will reap if the Measures we ought to take are retarded. Let us not stay till the Progress of his Arms shall rouse us; 'tis better to use our best Efforts in preventing than in repairing Losses: Nor ought we to stick at any Cost or Pains when a great Blow is to be struck, and when it is absolutely necessary to strike that Blow.

'You will do your part, no doubt, High and Mighty Lords, your Prudence is too great to let slip the decisive Moment. His Royal Highness has Ground to hope and believe, that your Assistance will be so great, as to be sufficient to preserve the Liberty of *Italy*, the Dignity of your Republick, and the Glory of your Fame.

'As for me, who know my Master's Sentiments, while I have the Honour to attend your High Mightinesses in this Station, I shall be very solicitous of the Honour of giving you all possible Satisfaction, and of uniting you and my Master indissolubly. I am, &c.

But what Exhortations soever the Confederates made to one another for forwarding their Preparations, and supporting their mutual Interest, *France* was no less active for her part. Her Enemies now, as they had done often before in vain, gave out how much she

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labour'd under want of Money; but the Augmentation and Recruiting of her Forces, and the considerable Body of Auxiliary Troops she was sending into *Spain*, to be commanded by the Duke of *Berwick*, was no great Indication of it. She was vex'd at the Heart that the Duke of *Savoy* had forsaken her, and make Complaints of it every where they would be heard; more especially in the following Letter to the Pope, which we the rather insert here, because it seems to discover the Sentiments of the *French* Court concerning the State of the Affairs of *Europe* for some time backwards.

Most Holy Father!

Fr. King's  
Letter to  
the Pope.

LED by the Sentiments which our filial Veneration for your Holiness raises in us, We acquaint you with the Motives of the Conduct we are oblig'd lately to use towards the Duke of *Savoy*. We could not owe the good Opinion you have of the Justice of our Proceedings, wholly to the Friendship, of which you have given us so many Marks; but will clearly make out to you, who it is that is the true Author of the new Troubles in *Italy*.

It is of Importance to us, that a Pope so worthy of the Place to which God hath rais'd him, and for whom we have a personal Affection, should see the Truth without disguise; that he should be Satisfied we preserve the same Sentiments we profess'd, when the Emperor, too fearful of displeasing his Allies, refus'd to hearken to the Holy Exhortations, and to receive the Ministers, of the Vicar of *Jesus Christ*; and when your Blessedness found Dispositions to Peace in Us and the King of *Spain* only.

If a Desire of enlarging the Dominions we receiv'd from God by Inheritance had incited us against the Duke of *Savoy*, we wanted not pretences long since to secure our selves against a secret Enemy; and we could as easily have done it as threaten'd it.

Your Holiness, who was employ'd in the principal Affairs of Government long before you was made Pope, is sufficiently inform'd of the Measures we took after the Conclusion of the Peace of *Reswick*, to preserve the publick Quiet. The Negotiations of the House of *Austria* to obtain unjustly the Succession of

the Monarchy of *Spain* in prejudice to us, threaten'd *Europe* with a new War, in case the Catholick King, who had long been Sick, should dye without Issue. We endeavour'd to prevent this War by the Treaty of Partition; While it was negotiating, we had the Interests of the Duke of *Savoy* in our Thoughts: He was ignorant of it; but the Effects would have shew'd him that we should have sincerely contributed to his Advancement, if those whom he has since look'd upon as his most faithful Friends, had not constantly oppos'd the Offers we then made in his Favour. They at length consented to them; but it was the Will of God that this Treaty should not be executed.

The Emperor refus'd to Sign it. *England* and *Holland* discover'd their ill Intentions; their Ministers at *Vienna* revealed the most secret Circumstances of the Treaty; We found those Two Potentates always backward and slow when Dispatch was most requisite. If any Prince approved the Partition, it was sufficient to make them treat him as an Enemy. Wherefore Providence directed us, by these Forewarnings, to prefer the justest Course to that which in all appearance would have been the most Advantageous to us.

King *Charles II.* died. Sometime before his Death he communicated to the late Pope the Design he had to make a Will in favour of his lawful Heirs. Your Holiness was inform'd of this. The Regents, that were appointed by that Prince, notified to us that he had left such a Will. We accepted it. And sent our Grandson to *Spain* at the earnest Suit of all the Subjects of that Kingdom.

Thus the Dominions of that Monarchy being reunited under one Prince, it was no longer in our Power to give the Duke of *Savoy* those Advantages which he would have gain'd by the Treaty; but had it been possible to engage him firmly in the only Party that is conformable to his true Interest, the Marriage of the Princess his Daughter with the Catholick King ought to have fixed him. We first propos'd this new Alliance with us, an Alliance so glorious to his Family, by our Ambassador, even before the Catholick King arriv'd at *Madrid*.

The Duke of *Savoy* did not say then, as he does now, that under Pretence of defending *Italy*, our Intention

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tention was to enlarge our Dominions with his: Such an Enterprize would have been very difficult. But he could not think of such a Thing himself, nor make others believe it. We invited him to share with us the Glory of opposing the Enemies of the King of Spain, and to contribute to the maintaining of the Tranquility of Italy, which was threatned by the great Warlike Preparations of the Emperor. The Duke of Savoy seem'd satisfied with the Treaty we made with him; We granted him the Conditions he himself desir'd.

And yet as soon as the Campaign was over, he demanded further Advantages: We gave them. We should have imagined our kind Treatment of him might have provoked his Gratitude; had we not at the same Time had certain Proofs given us of his secret Correspondence with our Enemies.

His Inclination was always for them. He made no Scruple to own it, nor did he choose to express his Aversion for France to such Persons only as he most confined in. At the same time he assur'd us, that he was intirely devoted to our Interest.

His Protestations at Vienna were more sincere: When he promis'd us the Passage demanded for our Troops, he excus'd himself to the Emperor, by assuring him, That the Permission he had granted for our Troops to pass through his Territories was much against his Inclination; and that he had been constrain'd to it by the unhappy Situation of his Dominions. And indeed he for a long Time eluded the Promise he made us of a free Passage for our Troops.

The Treaty between us and him being concluded, he some time after took upon him the Command of our and the King of Spain's Armies. We should have nothing but just Praise to give him, had he consider'd that true Glory is not gain'd by Arms only. His natural Valour shew'd it self on several Occasions; It is to be wish'd he had expos'd his Person less, and had perform'd the principal Conditions of the Treaty more faithfully. His Regiments were weak; the Horses he was to bring into the Field were brought up very slowly, and when he did joyn our Armies with all his Troops, the Month of July was near expir'd.



Our Enemies reaped greater Advantages from the Command we conferred on him. And he valued himself upon it to them, in affirming which, we advance nothing to your Holiness but what he wrote himself some Months after to the Emperor.

During the Campaign, we received several Advices of his holding secret Intelligence with the Emperor's Generals, which were confirm'd by some Accidents. A *Piedmontois* Officer, who was known to be much in favour with the Duke of *Savoy*, was surpriz'd with some of the Enemies Officers, and brought into the Camp by a Party of our Army, It discovered he had not been treated as a Prisoner while he was among the *Imperialists*.

The Duke of *Savoy* had concerted an Enterprize with the Generals of our Army, the success of which depended on Secrefie. The Prince of *Vaudemont* who had heard and was instructed in every Circumstance of this Project, and in what manner it was to be executed, was ordered towards *Mantua*: But he had not been long gone from the Army, when the Duke of *Savoy* wrote a Letter to him in which all the Particulars of this Design were enumerated; and dispatched Two Couriers, by Different Ways, with the same Letter, which he took care should not be written in Cyphers; One of them wastaken: The Enemy being warn'd of the Project, prevented it. It was hard to suppose he did this Imprudently and with no Design. He confess'd he had not done wisely; but said he would take care not to be so Negligent again. He is not capable of Negligence, when he is carrying on his own Designs.

He thought fit to give out, that the Emperor had order'd the Inhabitants of the Imperial Territories to take Arms, and joyn the Rebels of *Mondovi*; and had promised to furnish them with Money and Ammunition necessary: The *Piedmontois* Officers declar'd this publicly to his Troops.

It would be tedious to reckon up all the Reasons we had to suspect his Intentions, the Pretences he sought to complain, the secret Journeys of his Ministers in whom he most confided.

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The Armies were still in the Field, and the Enemies were superior in Number when he march'd his Troops back into *Piedmont*. All the Instances made to him to leave his Forces with our Army, were useless.

Immediately after his return to *Turin*, he represented to us, that it was impossible for him to execute the Treaty. He complain'd the Pay we agreed to give his Troops was too little, he demanded new Advantages; He insisted upon them with greatest Earnestness, when he held the closest Correspondence with our Enemies. His Ambassador at *Vienna* continued at that Court (under Colour of his own private Business) long after the *German* Troops had entred *Italy* and begun the War. Nor could the Duke of *Savoy* easily prevail with himself at length to recall him, tho' he knew perfectly well, that so publick a Correspondence with the Emperor, was at least undecent, after the Engagements he had enter'd into with Us and the King of *Spain*. It was conjectur'd from the long Audiences that Ambassador had of him at his return to *Turin*, that his stay at *Vienna* must needs have been prolong'd by the Duke's express Orders, more than by his own private Affairs. These Conjectures were not false; and the certain Advices we receiv'd sufficiently verified them.

The Duke of *Savoy* knows how to carry on his Designs with profound Secrecy; but his Character frequently excites the Curiosity of Persons that would otherwise be indifferent. His publick Actions compar'd with private Advices, give Light to the Truth, and reveal'd the Mysteries which he imagin'd to have wrapped up in Darknefs.

We knew, that the Emperor about the Beginning of the Year 1702. offer'd him the *Montferrat*; that he promis'd to use his Interest with the late King of *England*, *William III.* to procure him an annual Sum; that he press'd him to enter into his Alliance, and accordingly to sign a Treaty. There were others concern'd in this Negotiation besides the Marquess de *Prie*: But to relate the Particulars of the Management of it is at present needless.

The Court of *Vienna* at that time had great Hopes of the Progress of the *Germans* in *Italy*; and either because the Emperor made sure Account of terminating the War gloriously without Succours; or because he thought to prevail on the Duke of *Savoy* to declare himself without Delay; he protested, that if he hesitated to accept his Offers, he would not abide by them. He promised to forget all that was pass'd; and remonstrating to the Duke what Duty he owed his Sovereign, assured him he would again receive him into Favour, provided he did not wait, before he declared himself, for a Conjunction in which he should not want his Assistance.

The Inclination the Duke of *Savoy* always shew'd to the House of *Austria* was check'd by the Consideration of his own Interest. He was desirous, indeed, to owe the Advancement of his Fortune to that Family, but he was willing to be well assured of that Advancement upon joining with them. He would not be satisfied with the Emperor's bare Promise. He was doubtful he did not stand forgiven at *Vienna* for the Treaty he made with us in 1696. The more that Court appear'd confident of carrying all before them in *Italy*, the more Difficulty he imagined they would make to grant him the Advantages he thought he should merit. What they offer'd did not answer the Hopes he had fondly entertain'd.

Having an high Opinion of the Abilities of the late King of *England*, he judg'd that Prince would spare nothing to get him into the League. He therefore communicated to him the Emperor's Proposals, and his Answer to those Proposals. He profess'd to place entire Confidence, without the least Reserve, in the King of *Great Britain*; yet was careful at the same time to take all Precautions that Distrust suggested him.

The reciprocal Distrust which he knew the Courts of *Vienna* and *England* entertain'd of his Propensity to break his Engagements, was the Ground of his Caution. He therefore charged his Envoy in *England* to use the strongest and most submissive Words he could invent; but forbade him to deliver one Syllable in writing.

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That Envoy was instructed to say, ' That his Master was determin'd to govern himself by the Order of the King of *England* (for we repeat the very Terms to your Blessedness.) ' That he would owe every thing to his Protection; That he depended wholly on him for obtaining the Pretensions he had already communicated to him; and which he would never directly propose to the Emperor. That the Hazard he should run was imminent; but that the Advantage ought to be proportion'd to the Dangers he was to encounter.

' It was through the Protection of the King of *England*, (Terms often repeated) that the Duke of *Savoy* hoped to aggrandize his Family. He hoped by his Submission to obtain some considerable Addition to the Promise of the *Montferrat*, which he thought was too small a Recompence for the Service he hoped to do the Emperor.

He was positively assured by King *William III.* that *England* and *Holland* would quickly declare War against us; the mean Idea he had form'd of our Forces gave him a Perswasion, that they would not be sufficient to withstand the Effort of the Enemy. The Service he promised the League, was to reduce the Troops he lent us, and to oblige us to be content with half the Number he furnish'd the first Year. He engaged he would refuse all the Advantages we should offer to induce him to let his Troops spend the Winter with our Army; and to satisfy them how hearty he espoused their Cause, he assured them that *Montferrat* should not tempt him, and that he would not accept it, if we should offer it him. He pretended, by forbearing to receive any new Advantage from us, to be discharged from his Engagements to us, and to be at Liberty to join his Troops to the Emperor's immediately upon the Conclusion of the Treaty that was in Agitation between them. He reserv'd to himself the Concerting with them the Time and Manner of putting this Design in Execution, till the Article relating to his particular Interest should be fix'd.

His Envoy represented likewise, the indispensable Necessity his Master was in of managing himself ' that Interval, and employing his utmost Dexterity



because Secresie was most absolutely necessary for avoiding the fatal Consequences that would ensue upon his being discover'd.

His Answer to the Emperor did yet more strongly confirm the Suspensions we had of him: And were it not necessary to shew how well they were groundd, we should pass over in Silence what he said, 'Of his profound Acknowledgment of the great Goodness the Emperor had condescended to express towards him; Of the Hope he always had, that the Emperor would have the Generosity to pity him for his being forced to enter into irksome Engagements for preserving his Dominions: In short, Of the Confidence he had, that those very Engagements enabled him to do the greater Service to the House of Austria.

He mention'd 'the Uneasiness he felt in his Mind to submit to the fatal Law imposed on him, in spite of which (he said) he had preserv'd an inward Affection for the Emperor's Service; and profess'd, That in Acknowledgment of his Goodness, and of his Protection, he had always kept his Heart entire for him.

He represented, 'That after the Peace of *Reswick* he had made the first Offer to serve him in *Italy*, that he had constantly signified to him the Importance of taking necessary Measures for securing the Dominions of the Crown of *Spain* to the House of Austria; That upon the Death of the late Catholic King, he had remonstrated at *Vienna* the Necessity of preventing the House of *Bourbon's* possessing themselves of the Dutchy of *Milan*; That had his Counsels been follow'd, the Execution of the Plan form'd afterwards would have been easie; That he should have had an Opportunity to sacrifice himself, according to his Desires, in promoting the Interests of the House of Austria, and that he should have escap'd the violent Extremities to which he had been constrain'd to submit.

He lamented the Neglect of so many favourable Opportunities; and to make his Alliance the more valued, described the Condition of our Fortes in Italy, more to their Advantage than he either thought usually talk'd of them. He represented the Calamities

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mities his Country would be exposed to. He added, 'That his Intentions in laying before the Emperor these Risques and Difficulties was only the better to assure him of his constant persevering in his sincere Desire to serve him, and of his Readiness to sacrifice blindly all Things to his Glory and Interest: The King of *England* (he said) would witness for him, that these were his real Sentiments, and he hoped the Emperor would give him shining Proofs of his just and generous Magnificence, proportionable to his Sacrifice, and to the most essential Advantage the House of *Austria* would reap from his Alliance.

To conclude, he urged, as 'an indubitable Proof of his Affection to the Emperor, the Conduct he had observed the preceding Year, seeing it was easie to discover his true Sentiments in his retarding the March of his Troops, and bringing a lesser Number of them into the Field than he was obliged to furnish; and in his delaying to repair in Person to the Army; where his Presence had not been unserviceable to the *Austrian* Interest. He promised to pursue the same Conduct the next Campaign, and boasting that he had already taken Measures to reduce his Troops to half the Number he had furnish'd before, he added, 'That he would keep the best of them in his own Territories; for he was resolved every way to shew his Passion to serve the Emperor, flattering himself he would be extremely pleased with his most humble and most sincere Endeavours.

The Conquest of the Kingdom of *Naples* appeared to be the Emperor's chief Aim at that Time. Some seditious Persons represented, that it was an enterprize, and could not miss of Success, and therefore press'd him to turn his Forces that way. The Duke of *Savoy* was afraid of being left too much exposed, if they should remove to so great a Distance from *Piedmont*; and therefore remonstrated very earnestly to the Court of *England*, That the chief Advantage of his Alliance would be lost, if the German Army should be employ'd any where but in *Milanese*, and that the Acquisition of that Duke

ought to be look'd upon as the Basis of the Establishment of the House of *Austria* in *Italy*.

While this Negotiation went on in *England*, the Duke of *Savoy* had Opportunity to attribute to his own dexterous Management, the Consent we gave that he should reduce his Troops to half the Number he was obliged to furnish us: But this Satisfaction was disturb'd by the News of the Death of the late King of *England*. He ground'd his chief Hopes on the Credit that Prince had gain'd among his Allies. He fear'd the Emperor would for the future be more difficult. 'Tis suppos'd he will not deny, that he was for a while under great Perplexity, lest the Secrets he had entrusted to King *William* should be discover'd, as many others were, by the Papers found after the Death of that Prince.

We knew his Designs, and the Steps he made to put them in Execution, yet without shewing any Uneasiness or Distrust. He easily performed his Promises to the Emperor and the King of *England*. His Troops, reduc'd to half the Number, march'd from *Piedmont* late in the Summer to join our Army. He might have taken upon him the Command of them, and have served our Enemies, as he boasted he had done the Year before: But he was taken up with other Thoughts. He engag'd to use his best Endeavours to excuse himself from commanding the Army: And if he should have been compell'd to it, he besought the Emperor to impute it to the unhappy Circumpection which he was obliged to observe, to avoid giving us the least Umbrage.

We left it to his choice whether he would command the Army or not; he complain'd of this Indifference; for he perpetually sought Occasions to complain, and took any tho' ne'er so frivolous. The Arrival of the King of *Spain* in *Lombardy* afforded a new Occasion; he complain'd of the Ceremonial. You know, Most Holy Father, that he would quit the Pretensions he has kept up with so much Heat against the Holy Chair, if your Holiness would consent to treat the Ambassadors of *Savoy* as favourably as those of the Republick of *Venice*, and would give them Audience in the Royal Hall of the *Vatican*. Forgetting the Rank he holds in *Italy*, he affected to appear discontented

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at the Catholick King's Refusal to give him the Hand and the Chair of State: He call'd this Treatment a new Proof of the Ingratitude with which his Services were recompenced.

It would be tedious to enumerate particularly the secret Messages sent by Prince *Eugene* to *Turin*, and by the Duke of *Savoy* to the Imperial Army. His removing to several Country-Houses, and the Difficulty of getting Admittance to him, could not prevent the Discovery of the Truth. His most secret Conferences with his Ministers formerly employ'd at *Vienna* and *London* were known. His Regret, his Disturbance, when he found the Emperor unwilling to grant the Advantages, with which he thought his Alliance ought to be purchased, were known. Nay, it was useless to pretend to conceal all this from the Publick, who being long before well acquainted with the Inclination of the Duke of *Savoy* for the House of *Austria*, judged by the Course of his Proceedings, that he intended to pursue that Intention as soon as he could do it advantagiously and safely.

This was the Interpretation they made of the extraordinary Care he took to keep his Troops well disciplin'd, and to fortifie his Places of Strength. Far from commending in him this Application so becoming a wise Prince; they only said he had thereby discover'd his true Designs.

He help'd to discover these Designs, by making several Attempts to levy Troops in *Switzerland*, and by continuing the Levies in his own Dominions. He represented that the Subsidies he received were not answerable to the Expence he was obliged to be at to execute the Treaty, he prevail'd with us to yield to his lessening his Troops; and at the same time he augmented the Fortifications of his Places, he made new Levies. His Projects could not easily be conceal'd; the Contrariety between his Actions and Discourses appearing so manifestly.

He flatter'd himself, however, with a Belief, that he had proceeded with impenetrable Secresie, when the Princes confederated against us began to reveal all. They thought the more easily to perswade the King of *Portugal* to enter into their Alliance, by acquainting him, that League gain'd new Allies every Day;



Day; that it would be impossible for us to resist the Number of our Enemies; and to convince him of this, they discover'd to him the Disposition of the Duke of Savoy. *January.*

This News was quickly divulged all over *Europe*; the Advices from all Quarters said, the Duke of Savoy would make Amends for the Injury he had done his Allies the last War; that he would recover their good Opinion by some important Stroke; it was every where reported, that the Person employ'd by the Emperor in negotiating this Affair was *Salvay*, whom he lately made a Councillor, and gratified with 40000 Florins, as a Recompence for his Trouble and Journeys to *Turin*.

The Emperor's Ambassador in *Poland* discoursed there in *May* last of the Treaty between his Master and the Duke of Savoy, as openly as the Count de *Lamberg* did afterwards at *Rome*.

Wagers were laid about it at *London* and the *Hague*; the People were inform'd what Party the Duke of Savoy would take before the End of the Year. They reckon'd in *England* and *Holland*, as well as at *Vienna*, upon the Progress of the Fanatics in *Languedoc*, on the Intelligence held by the Duke of Savoy with those Rebels, and on the Succours he would lend them.

Would to God, most Holy Father, a profound Silence on this Article could efface the Remembrance of a Catholick Prince's grounding any Hopes on the Cruelties of those seditious Miscreants, not to say, on the Correspondence he held with them. We are unwilling to inform your Holiness how commodious a Passage the Hereticks coming from other Countries found through the Territories of that Prince to get into our Kingdom. His Speech to the President of the Parliament of *Paris* is but too well known; he advised him not to go far from the Frontiers of *France*, because the Times might change, and that therefore he would do well to wait in the Neighbourhood for a favourable Opportunity to return into his own Country with intire Liberty to exercise his Religion there. Those of that Religion have proclaim'd his Commendations of their Fidelity, their Valour, their Zeal; in short, he told them, He

*January.* reckon'd chiefly upon them for the Defence of his Dominions.

We are perswaded, that after your Blessedness has read the Particulars we have related, you will wonder, that being inform'd of the Designs of a secret Enemy, we deferr'd so long to disarm him of the Means of executing them. we acknowledge that the Superiority of our Arms in *Italy*, gave us ground to hope we should at length establish Quiet in that Country; that our Troops marching into *Tyrol* and joyning the Elector of *Bavaria*, would have obliged the *Imperialists* to repass the Mountains, to defend the Hereditary Territories of the House of *Austria*; that the Duke of *Savoy*, destitute of all hope of Succour from our Enemies, would seriously reflect on his own Conduct; and laying aside all Thoughts of new Engagements, would make good those between him and Us. We were equally averse, either to kindle a new War, or to deal roughly with a Prince, whom so many indearing Ties ought to have link'd intirely to our Interest.

To conclude, we were inform'd that the Count *d'Aversberg* went from *Vienna* to *Turin*, to finish a Treaty that had hung so long, and that had, in appearance, been carry'd on with Secrecy, tho' discover'd almost as soon as set on Foot. We were informed of the Arrival of that Minister; of all the Steps he took; of his lodging in several Houses, sometimes in *Turin*, sometimes in the Country; of the Duke of *Savoy* or his Minister's Treating with him. This Negotiation became so publick, that the Duke of *Savoy* alone made a Mystery of it. The publick Discourse at *Turin* ran on the Conditions of the Treaty; they talked of carrying the War into *Dauphiny*, of employing the *Vaudois*, and the *French* of the pretended reformed Religion, whom that Prince might engage in his Service: It was talked what Course the *Germans* should take to get into the *Alexandrin*, to put the Duke of *Savoy* in Possession of it, as the Reward of his Engagements with the Emperor.

If these Reports so generally spread had been false, the Honour and Interest of that Prince equally obliged him to publish the Truth; but he was silent, and did not shew the least Resentment of the Count *de*

Lamberg's making a publick Talk at Rome of the January Treaty to all whom he reckon'd to be in the Interest of the House of Austria.

At length we broke this Silence, which the Duke of Savoy had so obstinately kept. After our Patience was worn out, we resolv'd to make one last Essay to save that Prince from the Ruine into which he was precipitating himself : We were willing to try whether he would reflect on what he was doing ; and whether in the Irresolution we suppos'd he might be in, he could be brought over to his true Interest, and the Interest of all Italy.

The general Advices we had receiv'd of his Engagements, were communicated by our Direction to his Ambassador : He disown'd them. Tho' without Order, he assur'd us his Master would always faithfully keep the Treaties he had made with us and the King our Grandson. This Answer was confirm'd by the Duke of Savoy : Who added deep Protestations, that he had not made nor would make any Treaty with the Emperor or his Allies ; And, according to his usual Practice towards us and others, he demand'd new Advantages as the just Reward of his Services, and adhering to his Alliance with us.

He declar'd himself much to the same Purpose, to our Ambassador at Turin, yet without assuring him so positively that he would not conclude any Treaty with the Emperor. He will hardly deny a Truth easie to be prov'd. He evaded explaining himself directly on so essential a Point. He made a sort of Apology for the Conduct he had pursued since the Death of the late King of Spain ; all the Complaints he had made on several Occasions were repeated ; he concluded with these Words, *That he had Sentiments nice enough to make him resent highly our Proceedings towards him. I have stoop'd, he said, I have buckled to Fortune ; but at length the Sky is grown clear ; I have now an Opportunity, or I shall never have one, to advance my Family.* Then speaking of the Poverty of Savoy, tho' he had no design to treat, he insinuated that he had deserv'd by his Services to have his Dominions enlarg'd. He could not easily have intimated in plainer Terms, the Progress of the Negotiation begun between the Emperor and him ; But they had not yet fully

*January.* fully concerted Measures for executing it, it was necessary to suspend owning it, and to leave us a while in Doubt.

To this end he caus'd a rambling Memorial to be drawn up, by which in general Terms he gave us to understand, that he expected the *Milaneze* in recompence for his great Services, pretending we and the King our Grandson were beholding to him for the Dominions belonging to the *Spanish* Monarchy in *Italy*.

We were well informed that what pass'd in the Audiences he gave our Ambassadors, and the Answers return'd by him, were communicated to the Emperor's Minister at *Turin*, that nothing was done without this Participation; that all the Offers we could maketo the Duke of *Savoy* would be shewn to that Minister. So we did not matter what Answer we return'd to the Memorial he sent us. We foresaw the Use he would make of whatever should be propos'd to him on our part. The use he did make of it, appears in the first Memorial he caus'd to be presented to the *Swiss* Cantons. In short, it was time to give over treating. It was necessary to come to vigorous Resolutions, to frustrate his Designs. The Officers and Soldiers of his Troops began apace to leave the Army, under feign'd Pretences of Sickness. We could reproach our selves with nothing, but the Hazard we had run in too long deferring a Resolution, that was indeed violent tho' indispensably necessary. At length we order'd the Troops of *Savoy* to be seiz'd and disarm'd, constrain'd to it by the many Reasons we have related to your Blessedness.

Tho' this Retical is but too long, we can affirm we have omitted divers very material Circumstances. But to what purpose should we enumerate them, when we are justified by our very Enemies? The Princess of *Denmark*, in her Speech to the Parliament of *England*, took pleasure in acquainting them that she had engag'd the Duke of *Savoy* in the Interests of the League. Had we form'd a Design to invade his Dominions, as he would fain perswade the World, his Conduct long since gave us cause to treat him as an Enemy. But far from ever having such a Thought, we are still dispos'd to let *Piedmont* and *Savoy* enjoy a perfect Neutrality, during this War, provided the



fortified Places be put into the Hands of the *Swiss*, as *January* we have propos'd to the Cantons, that a Passage through the Country be left open for our Troops, and that the Duke of *Savoy* disarm his.

This done, your Holiness would quickly see an end of the Disquiet, which this War may have given you. Our Army in *Italy* will be employed only to restore Tranquility to it. 'Tis what we desire of the Almighty, as well as the Peace of all Christendom in General; nor can we doubt of your Blessedness's ardent Prayers to the same purpose. And we desire you to believe, that the more it shall please God to bless the Justice of our Arms, and confound the Designs of our Enemies; the readier we shall be dispos'd to terminate by a firm Peace, the Calamities that have so long afflicted *Europe*. We pray God, most holy Father, your Blessedness may long govern his Church.

*Versailles*, Jan. 14. 1704.

Your devout Son, the King  
of France and Navarre,  
LOUIS.

And underneath, Colbert.

Meeting with nothing else material in *France*, since the *Camisars* make little or no Noise at this Time, and hearing of nothing more than of general Preparations, for War in *Portugal* and *Spain* where both King *Peter* and *Philip* gave out, they would head their Armies in Person, we pass now into *Italy*, where we meet with as memorable a March made as any in this Age, by the *Germans* from the *Secchia* through the Enemies Country to the Assistance of the Duke of *Savoy*. The brave *Staremberg*, who headed the *Imperialists*, obtain'd never fading Lawrels by it; for, pursuant to the positive Orders sent by the Imperial Court to attempt a Junction with the Duke of *Savoy*, the General Officers and Regiments designed for *Piedmont*, put themselves in a readiness to March; and on the 23d *Dec. 23.* of *December* sent over the *Po*, by Means of their Bridge of Boats at *Rovere*, some Field-Pieces, Pontons and other Things, sending at the same Time some Pioneers to

*January.* to repair the Roads towards the *Veroneze*. The General ordered also a good Number of Barks to be got ready for Transporting Forces over the Lake of *Guarda*. And other Dispositions were made towards *Lodrone* and *Rocca d'Amso*, to make the Enemy believe they designed to pass the *Mincio*, and advance towards the River *Adda*, by the Way of the *Brescian*. This Stratagem succeeded so well, that the Duke of *Vendosme* drew most of his Forces from the *Secchia*, and posted them at *Goito* and several other Places to secure the *Mincio*. On the 24th, All the Regiments designed for this Expedition mov'd out of their Posts, and in the Evening joyned at *Concordia*. Their design was to pass the *Secchia* the same Night without any delay, in order to penetrate into the Enemies Lines, but being obliged to take along with them a good quantity of Provisions, and having only Oxen to draw their Waggons, which were in a bad Condition, and the Roads being almost impassable, they could not joyn them till about Midnight at *Concordia*, and so retarded their March.

24. Next Day, The Waggons joyned them agen at *Palazzo*, within Three Miles of *Carpi*, and the same Day they encamp'd at *Cortile*, where the said Waggons could not arrive till the next Morning. On the 26th Their March was still retarded by want of Horses and Carriages, so that they could not advance to *Carpi*, and in those Three Days did not March so far as they might have done in one, under other circumstances. Mean time the Duke of *Vendosme* improv'd that Opportunity with all imaginable advantage, and having recalled his Troops from the *Mincio* and the *Secchia*, as also from *Modena Reggio*, and *Guaftala*, he came in Person to *Carpi*, and posted his Forces behind his Lines and the Canal, not only to oppose their Passage, but also to attack them, upon which the Imperial General made the necessary Dispositions, but the Enemy continuing behind the Canal, making now and then some Motions, they were obliged to lye that Night near that place, having dispatch'd the *Sieur Samniz*, Lieutenant Collonel of the Regiment of Count *Guido Starembergh*, with the Sergeant Major of another, to take a narrow view of the said Canal, and see where they could pass the same. These Officers advancing

too near a Centry of the Enemy, he Fired upon them, and wounded the Lieutenant Colonel in the Belly, of which he dyed the next Day, being very much lamented, because of his bravery and another good qualities. *January.*

They continued their March on the 27th in Four Columns along the Enemies Lines, and having observed that the *French* were apprehensive of being attack'd on the side of a Cassine or House, situate near the Water forming the Canal, into which the *Germans* had put, the Day before, a Company of Granadeers, they drew their *Hussars* and Rear into a long Line, the better to keep the Enemy in Suspension, and by these Means they conceal'd entirely their March. Orders were given at the same time to cast up an Intrinchment at the said Cassine, where they planted a Field-Piece, from which they fired briskly with very good Success. This Stratagem had all the desired Effect, so that the whole Army was pass'd before the Enemy had any Notice of it. In their March a Lieutenant and Eighteen Men in a Cassine, fortified with Pallisadoes, were made Prisoners of War by them. Thus moving towards *Campo Caiano*, and knowing there was a Pass in the Way near the Canal, on which depended in a great measure the Success of their March, Lieutenant-Colonel *Werter* was commanded with 200 Horse, supported by Two Companies of Granadiers, to secure that important Pass, which he perform'd, and prevented the Enemy, who about half a Quarter of an Hour after their Men had posted themselves therein, came full Gallop, their Troopers having each a Granadier behind, but were obliged to retire. Count *Staremborg* being inform'd that there was another Pass, called *St. Martino*, within Three Miles from the former, through which they might come into the paved Road, called *Strada Geradda*, and drive the Enemy into impracticable Ways, the same Lieutenant-General *Werter* was detach'd before to secure that Post, being follow'd by Colonel *Arbergh* with the Regiment of *Darmstadt*, the nearest Body to that Place. The Enemy march'd the same Way with so much Precipitation, that they having got into the Road aforesaid before Colonel *Arbergh*, he found himself cut off from Lieutenant-Colonel *Werter*, where-

*January.* whereupon he drew up his Regiment and halts. This made the *French* believe that the whole Army was following, and obliged them to halt likewise, and the Prince of *Vaudemont* having Notice thereof, sent several Drums, Trumpets and Kettle-Drums, who by their Sounding and Beating confirm'd the Enemy, that the whole Army was marching, and with their Noise alone made them retire. This open'd a Way to Colonel *Arbergh* to join the Detachment aforesaid, and possess the important and strong Pass of *St. Martino*. The Army encamped at *Campo Caiano*.

28. On the 28th they decamped before Break of Day, and having march'd through the Camp of *St. Martino*, encamped at *Ponte del Rodano*. Next Day they pass'd the *Croftolo*, under the very Cannon of *Reggio*, to the Left of that Place, leaving to the Right the Lines form'd by the Enemy from the *Croftolo* to the *Po*. The Enemy Cannonaded them for some time, but without any Damage, and they encamped that Night at *Colla*, between *Reggio* and *Parma*.
29. On the 30th they pass'd the *Lenza* upon a Stone-Bridge, and the River *Parma* upon a Bridge laid near the City of that Name, encamping within a Mile of that Place, and they had Notice in the Night from their Parties and Rear-guard, that the Duke of *Vendosme* was arrived upon the *Lenza*.
30. On the 31st they continued their March, without any Opposition, to *Borgo St. Donino*, and having certain Advice, that the Enemy was following them, they laid Parties of *German*s and *Hussars* in Ambuscade on both Sides the Way, to endeavour to make Prisoners, in order to get Intelligence of their March.

*Jan.* On the 1st of *January*, they made a long March from that Place to *Ponte di Nura*, where the Weather, which had been hitherto very favourable, became very Rainy and Snowy. That Night a Captain of *Vaudemont's* Regiment brought to their Camp several Prisoners, who unanimously reported, that the Enemy was in a full March. They march'd on the 2d near *Parma*, where Orders were given to supply them with 60000 Rations, which were got ready, but they could not make use of them, by reason of the several Pretences alledged by the Ministers of the



the Duke of Parma to retard the Delivery of the same, knowing, that the Enemies were not far off. They encamped that Night at *Ponte Dilano*, not far from *Castel St. Giovanni*, from whence Colonel *Arbergh* was detach'd before with 300 Horse, and the *Hussars* of *Ebergensi*, not only to get Intelligence of the Enemies, who were before them, but also to take a View of *Stradella*, where they had cast up a great Intrenchment from the Hill to the Po. The Colonel having discover'd in his March a Guard of the Enemy, Prince *Pio*, Adjutant-General, attack'd them, and took Fourteen Troopers and a Lieutenant Prisoner. Their Detachment being order'd to proceed further, They took another Guard of the Enemy of Sixteen Troopers, by whom they had Notice, that there was in the Castle of *Stradella* Two Spanish Terzes, or Regiments, viz: of *Lombardy* and *Savoy*, under the Command of Serjeant-General *Sartirana*, who hourly expected a Reinforcement of 2500 Men of Regular Troops, and 5000 Militia. Colonel *Arbergh* having received that Advice, resolved to prevent the Enemy, and in order thereunto pass'd the Hill in the Night, and posted himself at *Brono*, within a Mile of *Stradella*, where they had hardly dismounted to rest, when the French Regiment of Horse of *Monroy* arrived there, and fell in with Fifteen *Hussars*, who served as an Advanced Guard. The German *Hussars* attack'd the Enemy with a great deal of Bravery, putting the whole Regiment into Confusion, taking a Captain and several Men Prisoners; and, notwithstanding their Horse were so much fatigued that their Men could not pursue the Enemy, they fled without halting as far as *Voghera*, Fourteen Miles distant from the Place. Colonel *Arbergh* having given Notice to the Generals, that the Enemy was marching to reinforce their Lines, Prince *Vaudemont* marched with all possible Speed with Three Regiments of Horse to hinder their Design, and finding the said Lines unguarded, he pass'd the same, and advanced to *Brono*, near the Detachment of Colonel *Arbergh*. The Garrison of *Stradella* fired upon the Prince as he pass'd by, but without any other Effect, than wounding 3 or 4 Men.

January.

The 3d, The whole Army follow'd except Serjeant General *Solari*, who was left behind at *Castle St. Giovanni*, with the Regiment of Dragoons of *Savo*, and that of Foot of *Guido Starembergh*, with Four Companies of Granadiers and the *Hussars* of *Paul Diack*, with Two Pieces of Cannon, the better to secure the March of thier Baggage, Artillery and Provisions. The Roads were so difficult and so bad, that the March took up a long Time, during which the Enemy advanced with so much Diligence, that General *Solari* could not continue any longer in that Post without manifest Danger, and therefore was order'd to quit the same. He found the Roads so much embarrassed by Carts and Waggon, that he was obliged to burn Thirty of them to make Room for his Cannon and Troops to get out of those Defiles. The Army being arrived at *Stradella*, the Generals took a View of the Castle and Count *Maximilian Starembergh*, with Four Companies of Granadiers, was ordered to take Post near the same and summon the Governour to surrender, but upon his refusal to hearken to any Capitulation, Four Field-Pieces were brought against it, which having fired against the Walls, the Garrison retired to a sort of a Tower pretty well Fortified. Our Troops got into the Ditch, and sent for form sake for the Miners, who striking against the Walls put the Garrison into such a Consternation, that about Midnight they surrendred Prisoners of War. The Two *Terzes* or Regiments therein were very weak as to Soldiers, but besides Serjeant-General *Sartirana*, they took Fifty Officers Prisoners. The *Imperialists* lost on their Side in that Action the Baron *Kornseilt*, Lieutenant-Colonel of the Regiment of *Lichtenstein*, One Granadier, Five other Soldiers and a Carpenter.

Germans  
take *Stradella*.

The Army on the 4th march'd to *Voghera*, where they were quarter'd in Houses, and the Marquess of *Vaubonne*, Serjeant-General, was left in the Intrenchment at *Stradella* with Two Regiments of Dragoons, and one of *Curassiers* to cover their March, where he maintain'd himself till he saw the whole Army of the Enemy ready to attack him, and that their Granadiers got to the Hill, and began to fire upon his Men, wounding 5 or 6. He made his Retreat in very good

good Order, and rejoin'd the Army. Next Day, *January*, having provided themselves at *Voghera* with some Victuals and other Necessaries, the Army march'd from thence to *Castel novo di Scrivia*, which River their Infantry pass'd over a Wooden-Bridge. The Weather continued all this while so very Rainy, that it might be said, they marched in Water rather than in the Dirt, whereby Men and Horses were so fatigu'd, as to be rendred unfit for present Service. The 6th they encamp'd at *St. Giuliano*, between *Alexandria* and *Tortona*, and in the Night a Captain of Horse fell in with a Party of the Enemy, but could take but one Man.

The 7th the Army came to *Bosco*, where they made a Bridge with Carts on the River *Orba*, and Colonel *Martini* was sent before with 300 Horse to view the Banks of the *Bormia*, and get Intelligence of the Enemy. The continual Rains they had for Seven Days swell'd the River so much, that their Bridge of Carts was carried down by the Violence of the Stream. Their Troops, as well as Horses, found themselves so much fatigued, that it being impossible to march any further, they continued that Night at *Bosco*. The 8th, the Army rested in the same Place, but the Weather growing better, and the Water decreasing, they march'd the 9th to *Castelnovo*; and as they could not lay any Bridge on the *Orba*, the Cavalry took the Foot behind them, and carried them over that River. As they arrived at *Castelnovo*, they found the Enemy posted on the other Side of the *Bormia*, who fired upon them, and Colonel *Arbergh* was dangerously wounded. The River was so much swell'd, that it was impossible to pass it at the usual Ford; whereupon their Men made a Feint to lay a Bridge, which drew all the Forces of the Enemy to that Place; but in the Night Colonel *Kriechbaum*, with the Regiment of Dragoons of *Savoy*, and Eight Companies of Granadiers, was detach'd towards *Castelnovo*. The 10th, that Detachment pass'd the *Bormia*, and the Infantry pass'd at the same time over the Bridge made the Day before; but the Water swelling on a sudden, by reason of its Current being in a manner stopt, the Bridge broke, and Forty Men fell into the River, from whence they were all saved

January.

but one. They went about immediately to repair their Bridge; but this Service took up above Four Hours; and in the mean time, the Duke of *Vendôme* having in all Likelihood received Advice thereof, marched with all possible Haste, and appeared on the Neighbouring Hills with Twelve Squadrons, and a or 3000 Foot. All the German Cavalry and Artillery having pass'd the *Bormia*, and the rest of the Foot left on the other Side, except some empty Carts they had taken in the *Alexandria*, they saw they could not attack the Enemy, but expected they would attack their Infantry, posted in the Castle and the Houses, where they were sure that they would meet with so warm a Reception, as to follow them no further; for it is to be observ'd, that for Ten Days together, their Rear and the Vanguard of the Enemy were perpetually in Sight. By some Mistake or other, a Battalion of Count *Guido Staremberg* was posted out of the Houses aforesaid on a plain Ground. They endeavour'd on their Side to remedy that Fault, but it was too late, and the Enemy being too near, they were obliged to leave that Battalion exposed, to prevent a greater Confusion; and notwithstanding they were thus left alone, they maintain'd the Ground for Two Hours together, and repuls'd the Enemy; but as they were divided into little Bands and ill posted, the Enemy charged them on all Sides with a great deal of Fury, and drove them under the Castle, which cover'd the *Germans* Bridge. The Regiments of the *Rhingrave* and *Solari*, which were posted therein, made such a Fire upon the Enemy, that they retired with all imaginable Haste and Confusion, and offer'd no more to disturb the Passage of the rest of their Troops, and the Breaking down of the Bridge after them. The *Germans* own they kill'd 150 Men, who were either kill'd or taken Prisoners, and the Prince of *Lichtenstein*, Count *Solari*, Three Captains and Four Lieutenants.

The 12th, they advanced towards *Acqui*; but the *French* having put a Garrison therein of 800 Men, *Staremberg* being unwilling to lose any Time, he drew the Artillery, tho' with a great deal of Trouble, over the Hills, and encamp'd at *Terzo*, where they met the Marquess of *Parella* with some Troops



January.

from the Duke of Savoy. The 13th, a Party of 100 French came out of *Acqui* very early in the Morning, to fall upon their Stragglers, and took Two of their Waggon, one of which was laden with Drugs, and other Medicaments, and the other with Tools, which were both broke; but their *Hussars* of the Rear fell upon them with so much Bravery, that they cut most of them in Pieces, took a Captain, Two Lieutenants, and Seventeen Men Prisoners, following the rest to the Gates of *Acqui*. They continued their March to *Cinelli*, where the Duke of Savoy arrived in the Evening, and posted his Forces within a League of their Camp. And thus was their Junction happily effected, notwithstanding the great Troubles and Fatigues they were forced to undergo in so long a March, occasion'd chiefly by bad Weather, in which the Troops and Horses suffer'd very much.

This appearing to me to be the most genuine and particular Account of this famous March, I shall forbear to add any other; only I must add, that the French make the Loss of the Germans at *Castellone* on the *Bormida* to be between 3 and 400 Men, besides most Numbers that were taken Prisoners, or perish'd in the March: However it was, 'tis certain the brave *Marshall*, to his immortal Honour, gain'd his Point, and brought about 15000 Men with him to the Aid of the Duke of Savoy.

But now let us a little survey the Affairs of *Switzerland*. We having in the preceding History given an Account of a Negotiation on Foot between the Helvetic Body and France about a Neutrality for the Duchy of Savoy; we find the French King's Answer thereupon to be, "That he was willing to yield to the Neutrality demanded for Savoy, on Condition that the Places of Strength in it should be put into the Hands of the Swiss, and that those Garrisons should be paid by his Majesty and the D. of Savoy; that there should be a Passage left open thro' *Sabaudia* for keeping open a Communication with his Army in Italy; That Passports to that Effect should be deliver'd out by the Helvetic Body, and that Piedmont should be comprised in this Neutrality, or at least that no Swiss Troops should serve his Royal Majesty in Piedmont, This being communicated

*January.* to the Duke of *Savoy*, he reply'd, That he was determin'd much rather to push on the War at all Adventures, and not to tie up his Hands by a Neutrality, of which the *French* would reap all the Advantage. Hereupon the Canton of *Bern* nominated Four Persons to go to the Canton of *Friburg*, and desire them to name Four Persons likewise, who might all go to the Canton of *Zurich*, to consult together what was further to be done to obtain a Neutrality for *Savoy*. Of which the Marquess de *Puisieux* being inform'd, he wrote the following Letter to the Canton of *Zurich*.

*Magnificent Lords!*

*Puisieux's*  
Letter to  
the Canton  
of  
*Zurich*.  
28.

**Y**OU are inform'd, no doubt, that the Laudable Canton of *Bern* has sent Deputies to that of *Friburg*, to endeavour to possess them with an Opinion, that the late Conquest of *Savoy* by the Troops of the King, my Master, is very prejudicial to the Interest of the Laudable *Helvetic* Body, and that the said Laudable Canton would do well to dispatch Deputies along with theirs to you, and to give them Instructions to use their best Endeavours to persuade you to join with them in a Deputation to me, to propose that I should desire his Majesty, in your Names, to withdraw all his Troops out of *Savoy*, and to let that part of the Dominions of his Royal Highness enjoy a perfect Neutrality. Their Design in demanding such a Neutrality seems to be, to put that Prince into a Condition to furnish himself from *Savoy* with all Things necessary for carrying on the War the more easily against the Two Crowns in *Italy*, and, if possible, to possess himself of the *Duchy* of *Milan*.

The Deputies of *Bern* and *Friburg* are commission'd to signify to me besides, or to write to his Majesty, that in case he will comply with their Request, they shall be very sorry to be obliged to furnish Troops to the Duke of *Savoy*, to enable him to recover all the Country of which the King, my Master's Troops have possess'd themselves, but that they cannot help doing it.

W

'Will not your Surprize be equal to mine, Magnificent Lords, when you shall be satisfied, that some of the Laudable Cantons have taken Resolutions of such a Nature? Will you not apprehend, that the Enemies of the King my Master may hope to have very shortly no Cause to envy the happy Tranquility, which by the Superiority of his Majesty's Arms you now enjoy, while *Europe* is all in a Flame? Having had sufficient Experience, Magnificent Lords, of your Prudence and Moderation, I have not hesitated one Moment to inform you of the Resolutions taken by the Cantons of *Bern* and *Friburg*, to the end that before their Deputies arrive, you may wisely reflect upon their Conduct, and in Consequence represent to them, how prejudicial their Resolutions are to the Interest and Quiet of the *Helvetick* Body.

'You are not ignorant, Magnificent Lords, that his Majesty's Troops have conquer'd all *Savoy*, except *Montmelian*: And doubtless you will call to mind, that you disapproved the Proposal made by the *Sieur Mellaredé*, when he demanded a Neutrality for *Savoy* only, without including *Piedmont*, at the Time when his Master was in Possession of the Dutchy of *Savoy*.

'After so justly refusing your Approbation of so unreasonable a Demand, is it to be imagined you can be for a War against the King my Master, and for undertaking to drive his Troops out of a Country, of which the chief Passages and most considerable Posts are in their Possession? No, Magnificent Lords, you can never take such pernicious Courses, the fatal Consequences of which you foresee too plainly, not to prevent them by your prudent Councils and wise Conduct.

'I make no doubt but the King my Master is still disposed to yield to a Neutrality for the Dominions of the Duke of *Savoy*, tho' that Prince has absolutely rejected it, and in so doing has in spite of him proved himself to be the Aggressor, that he only is the Cause of the Alarm some Cantons *feign they are in*, and is directly the Anchor of the Troubles which the Cantons of *Bern* and *Friburg*, at the Instigation of that Prince's Agents are raising in the

January.

*Laudable Helvetick Body*, by the warm Resolutions they have taken.

‘It seems, Magnificent Lords. some Men would assist him who kindled the War in your Neighbourhood, against him *who so generously offers to establish Tranquility there*. I have just Cause to flatter my self, that your wise Representations will have all the Effect upon the Cantons of *Bern and Friburg* that may reasonably be expected from the Prudence and Sagacity that shines in all your Discourses and Actions: Upon this Foundation I ground my Hopes, that you will render fruitless all the Efforts of the Enemies of the King my Master to disturb the Peace of your dear Country.

‘The glorious Tranquility the *Laudable Helvetick Body* has enjoy’d, *ever since they contracted Alliances with France*, the Care your illustrious Ancestors constantly took to do nothing that might weaken those Alliances, are Examples to which you will undoubtedly have an Eye on this Occasion, and I persuade my self you will most chearfully follow them. Magnificent Lords, I will inform the King of the prudent Steps you shall take in this Affair, and I can assure you his Majesty will not be wanting to make you a suitable Acknowledgment.

*Soluthurn*, Jan. 18. 1704.

Sign’d,  
*Puissieux.*

The Deputies of *Bern*, with those of *Friburg*, proceeded to *Zurich*, and had several Conferences with Deputies nominated by that Canton, which ended in these Resolutions, 1. That a Letter should be written to the Marquess *de Puissieux* in the Name of the Thirteen Cantons, to remind him of the Promise made to the last General Assembly to acquaint his Master by a Letter how uneasy the Cantons were at the Neighbourhood of his Troops in *Savoy*, and to desire him for their Sakes to grant a Neutrality to that Province. 2. That the Thirteen Cantons should have Copies of this Letter transmitted to them; and should be press’d to enter into the same Views, to the end that in case the King of *France* should not give them the Satisfaction desired, the Cantons of *Zurich*

*Bern*



January.

Bern, Lucern and Friburg, might be impower'd by all the rest to send a new Deputation to the said Marquess to signifie to him in express Terms, that the Cantons look upon the Neutrality of Savoy as a Thing inseparable from the common Security of the Helvetick Body: But we shall find the French have Art enough to elude these Resolves. However, Mellaredé, Envoy of Savoy, being not willing to give Monsieur Puissieux any Advantage over him by his Letter to the Canton of Zurich afore-mention'd, he encountred it with this that follows.

Most Magnificent Lords!

Mellaredé's Answer to Puissieux.

I Doubt not but the Letter, written to you the 19th of this Month, by the Marquess de Puissieux, raised your Indignation; Turn it which way you will, the Genius of a Minister of France appears quite through it; that Application, that Earnestness to sow Discord and Distrust between Powers who are united together by the most indissoluble Bands; that constant Practice of cajoling one Party with Flatteries and Praises, and hectoring others with big Words and Menaces.

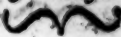
There appears in it that Ingenuity of drawing from every thing such Consequences as are diametrically opposite to what naturally result: The Writer makes no Scruple of telling those with whom he negotiates, that Things are quite different from what they have seen with their Eyes; in short, affirms for real Facts, Fictions that have not so much as a Semblance of Truth, and makes them the Foundation of his Defence of a most unjustifiable Conduct.

This you will easily discover, most Illustrious Lords, if you run over Monsieur de Puissieux's Letter with never so little Attention. If he flatters you, if he praises you, 'tis not out of good Will, or any particular Consideration he has for you. Is there any Nation in the World for whom France has any? 'Tis only to engage you not to enter into those worthy and necessary Resolutions which your dear Allies the Cantons of Bern and Friburg have taken for the Conservation of Savoy; and to perswade you to take no Care for the Frontiers that are of so much

January.

Importance to them. The *French*, who knew how  
 potent the *Laudable Helvetic* Body is, and who  
 indeed, owe their present Grandeur to the Valour of  
 your Nation, see plainly, that as long as you joint-  
 ly oppose their ambitious Designs, 'twill be in vain  
 to attempt to execute them. The Measures your  
*Laudable Canton* has taken in Concert with those of  
*Bern* and *Friburg*, for the Defence of your Fron-  
 tiers on the Side of *Germany*, has preserved them hi-  
 therto. The *Marshal de Villars* hover'd about them,  
 he survey'd them with desiring Eyes; but finding  
 those Two potent Cantons were determined not to  
 abandon you, he durst not offer to touch them, but  
 was obliged to turn his Arms another Way. The  
 Conquest of those Places is not of less Importance to  
*France* now than it was then; it would put them in-  
 to a Condition to bridle you, all your Commerce  
 and Correspondence would go through their Hands,  
 they would be able to enter your Dominions when-  
 ever they please, to invade them, according to their  
 usual Custom, while you rely upon the Perpetual  
 Peace that is between them and you. They want  
 now, as they did then, a free Communication with  
 their Army in *Germany*; but while the Three  
*Laudable Cantons* that are determined to maintain  
 their Frontiers, are united, they will not dare to  
 make any Attempt. They are seeking therefore to  
 divide them. *Monsieur de Puisieux* endeavours to  
 sow Distrust between them; he flatters you in par-  
 ticular, most Illustrious Lords, he pretends to have  
 an intire Confidence in you, and why? because he  
 would have you abandon the *Laudable Cantons* of  
*Bern* and *Friburg*. He would flatter them as much  
 another time, to dispose them to abandon you in  
 their Turn, when the *French* should attack your  
 Frontiers. You will easily judge, he would endea-  
 vour then to inspire them with Resentment, by  
 urging, that you would not now concur with them  
 in their Resolutions. The *Emissaries* of *France*  
 would be industrious to incense the *Canton* of *Bern*  
 in particular, for your abandoning their Frontiers,  
 after the glorious Resolutions taken last Year by  
 that *Canton* to join with you in maintaining your  
 Frontiers.

January.



'Is this Attempt of Monsieur *de Puisieux* suitable to the high Idea, which the Wisdom and Steadiness of your Laudable Canton ought to have given him? With what Contempt must you needs have receiv'd such a Proposal as that he made you: Now to prevent his offering the like hereafter, you will answer him, no doubt, by taking Resolutions worthy of your Glory, and suitable to your Interest.

'You could not, without equal Indignation, see the Menaces M. *Puisieux* insinuates throughout his Letter against the Laudable Cantons of *Bern* and *Friburg*, who have done nothing but what is conformable to their Alliances with *France*. The Laudable *Helvetic* Body has often made solemn Declarations, that those Alliances being purely Defensive, could not deprive you of the Liberty of furnishing Troops to other Potentates, provided they were not to be employed against the Countries of which *France* was possess'd in 1663. The Deputies of all the Laudable Cantons observ'd particularly in the last General Diet, that *Savoy* being directly included in your Perpetual Peace with *France*. you had a Right to furnish Troops for preserving it in the Hands of his Royal Highness my Master: And this they declared even to Monsieur *de Puisieux*. The very Motive your Ancestors had to make that Clause in the said Peace, prevail'd with the Laudable Cantons of *Bern* and *Friburg* to enter into the Resolutions they have lately taken. Namely, that they may not have so formidable a Prince for their Neighbour, lest from *Savoy* he should break into *Switzerland*, which lies open on that side: To conclude, their Resolutions are conformable to that State Maxim which your Illustrious Predecessors counted the Principal Foundation and Support of this powerful Republick, viz. the having several Neighbours, and preventing the being surrounded by any single Potentate. But, if Monsieur *de Puisieux* be to be believ'd, the just Steps taken by your Dear Allies will quickly draw a 1000 Calamities upon them, and disturb the Peace and Quiet which *Switzerland* has so long enjoy'd.

January.

‘ I imagin’d the Junction of the Imperial Troops with the Army of his Royal Highness, (a Blow the French so little expected, and which has spoil’d all their Schemes,) would have withheld their Ministers from daring to continue their Endeavours to work upon you by Fear and Terror. But Arrogance and Presumption are so natural to them, that they too often run into them without reflecting on the Courage and Worth of the Nations to whom they are speaking. Is it for them to treat your Laudable Body in that manner, who have so long maintained themselves by their Intrepidity and Valour? Is it not by your Valour the French keep the Low-Countries? The Truth is, were you not so scrupulously just to the Alliances you have with them, you could easily humble them, especially at this time, when their Ambition, and the Necessity of opposing it, has arm’d all Europe against them.

‘ Monsieur de Puisieux would dissuade you from joyning in the Resolutions of your dearest Allies, by urging that his King’s Troops have seized on all Savoy except Montmeillan, and that they are possessed of all the Passages and most advantageous Posts; in his Judgment this ought to stop all your Resolutions; but he does not reflect that he thereby puts you in mind of the late Regard the French have shewn to you in this Expedition, which they pushed on in Scorn of the Deputies that were with the Commander of their Troops, and who pressed him to suspend Hostilities till the General Diet, called chiefly to consider of the Neutrality of Savoy, had taken Measures about it: He reminds you, that this Invasion was made, while the Deputies of the Laudable Helvetic Body solicited him himself at Baden on the same subject.

‘ You see then, most Illustrious Lords, what Designs France has in view; They condemn your Deputations, your Assemblies, and your Remonstrances, while you are making Representations to them, they possess themselves of Savoy; and this they do that they may have an Opportunity to tell you, the King is actually possessed of Savoy, and ’tis too late for you to concern your selves about that Province. What other Inference can you draw from this, than that

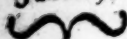


'it is to no purpose to treat with a Potentate, who Acts with no manner of regard for any Body, and wherever he can get Possession, insultingly demands who will turn me out? 'Tis high time, most Illustrious Lords, 'tis high time to take speedy and vigorous Resolutions; all gentle Expedients serve only to inflame the Ambition of France. The Objection made by Monsieur de Puiseux, ought to be a sufficient Warning to you, how Dangerous it is to suffer your selves to be approach'd too closely, and should induce you to omit nothing to keep off a Potentate so greedy of Dominions. If you do not take just Measures for preserving Savoy, in concert with your Allies that are interested in it, he will take Occasion to say to you of *Lindam* and your Frontiers towards Germany what he now says of Savoy; concerning which Monsieur de Puiseux is either under a Mistake himself, or else would deceive you; for the Passages into it are still in the Hands of his Royal-Highness, nay the Guard of them and of that important Place *Montmeilian*, is entrusted to Troops of your Nation: They expect your Assistance, to drive the French out of that Province, if they do not peaceably quit it as soon as they shall be inform'd of your glorious Resolutions.

'You know, most Illustrious Lords, and your Deputies that were at the Dyet of *Baden* have told you, it was unanimously agreed there, that the Conservation of Savoy was absolutely necessary for the Security of the Laudable *Helvetic* Body, and that a Neutrality for it ought by all Means to be procured. The Deputies spoke of it in earnest Terms to the Marquess de Puiseux Two several Times, without Mentioning *Piedmont*; and he promised them the Second Time to write about it to the most Christian King. Yet you see with what Assurance he now dares to say, that you rejected the Demand I made to the same Purpose. Judge by this, what Credit you ought to give to what he says to you, seeing he offers to impose upon you in an Affair so publickly transacted among you your selves. After this, who will believe upon his bare Affirmation that the Duke my Master was the Aggressor? It cost me no Pains to refute in my Memorials all he

had

January.



' had said in his on that Subject ; he could make no  
' Reply to what I advanced, and yet he repeats his  
' Fictions with as much Assurance, as if they were  
' evident Truths. All he urges to prove the Duke  
' my Master the Aggressor, is of equal Ingenuity with  
' the Wolf's Accusation of the Lamb in the Fable,  
' that he foul'd the Water he was drinking, tho' the  
' Stream ran from him to the Lamb. *France* never  
' boggled at such pretences ; nor will scruple to make  
' use of them against you, unless by firm and couragi-  
' ous Resolutions you prevent the Danger that threa-  
' tens you ; unless you joyn with the Laudable Can-  
' tons of *Bern* and *Friburg*, who are so sensible of this  
' Danger ; unless, to conclude, you make it the only  
' Foundation of your Security, to hinder *France* from  
' acquiring either Power or Opportunity to Attack you im-  
' punibly. I am. &c.

*Bern*, Jan. 26. 1704.

*P. Mellaredo.*

In the mean time, the *French* Ambassador not very well liking that the Cantons of *Bern*, *Friburg*, and *Zurich*, had agree on the Resolutions before mention'd touching the Neutrality of *Savoy*, he by the following Letter desired a General Dyet should be held at *Solutern*.

*Magnificent Lords !*

*Puisieux's*  
Letter to  
*Bern*, &c.

30.

' I Have receiv'd the Letter which you gave your  
' selves the Trouble to write to me the 29th of this  
' Month : It was brought to me by the *Sieur Hirzel*, to  
' whom I declar'd, as I do by these presents, that I  
' lately receiv'd by an Express, the King's Resolution  
' concerning the Affair of *Savoy*. His Majesty has  
' ordered me to desire you to hold a general Dyet in  
' this City of *Solutern* ; Accordingly I desire you to  
' send one Deputy from each Laudable Canton, to  
' meet here on *Sunday* the 17th of next Month in the  
' Evening. I will fully communicate to that Assem-  
' bly the Orders I have receiv'd from his Majesty.  
' Mean time I will only tell you, that out of respect to  
' you, he is willing to put the *Chablais* and *Faufsigni* in-  
' to the Hands of the Laudable Cantons that lye near-  
' est to them. I hope, Magnificent Lords, you will  
' be pleas'd to consider his great Condescension to eve-

ry thing you desire of him, and to reflect at the same Time on all the Proofs he gives of the sincere Desire he has to contribute with all his Power to maintain Tranquility and Peace in your Neighbourhood.

Soluthern, Jan. 31.

Puificux.

This Dyet being to meet in the next Month, we shall forbear making any Excursions into it, and so moving towards *Bavaria*, there the Elector about the Beginning of the Month, having concerted Measures with Monsieur de *Marfin* at *Ausburg* for facilitating his Design on *Passau*, marched thither, and coming before the Place the 9th, began to raise Batteries of 24 Guns and as many Mortars against it; and at the same Time signified to the Inhabitants, that if they made any resistance with the inconsiderable Garrison he knew they had, (*viz.* but 1000 Men) he would quickly set all the Towns in Flames; hereupon Cardinal *Lemberg*, Bishop of the Place, sent out Four Deputies, who made a very advantageous Capitulation with his Electoral Highness, by which it was agreed that 1200 *Bavarians* should enter the Town under the Command of Major General *Tettenbach*, and that the Garrison of the Castle should consist of 200 *Bavarians* and a like Number of the Cardinal's Men, and that his Eminency should have the Command of the whole Garrison, which yet we have not found true by the Consequence of it.

*Bavaria*  
takes *Passau*.

9.

While the Elector was upon his March towards *Passau*, the Marshal de *Marfin* marched out of *Ausburg* with a Detachment of 6 or 7000 Men, passed the Danube at *Donawert*, possess'd himself of *Wendingen*, *Poppenheim*, and *Monheim*, small Places, and put a large Tract of Country under Contribution. At the same Time the Marquess de *Blainville* march'd out of *Ulm* with 5000 Men, took *Giengen*, and raised Contributions on the Country round it.

Things growing thus desperate with the House of *Austria* in *Germany*, they were still worse on the Side of *Hungary* where the Malecontents grew very potent. On the 24th of December Two Bodies of them, of 500 Men each, passed the River *Mark* or *Morave* at *Hoff*, and forced a small Retrenchment near that

Dec. 24.  
1703.

Vil-

*January.* Village, which was guarded by Forty Soldiers, drawn out of the Garrison of *Préburg*, and about 150 Peasants, who being overpower'd by Numbers, were obliged to retire with the Loss of most of their Men, particularly of the Count of *Oppersdorf*, their Commander in Chief, and several of their Officers: After which the Rebels plunder'd the Town, and retir'd to their main Body. One *Mattia Szabo*, late Postmaster of *Hatvan*, being come with a Detachment of them to *Varcan* on the 2d of *January*, writ from thence a Letter to the Magistrates of *Pest*, demanding of them 3000 Loaves, a great Quantity of Oats, 100 Fats of Wine, 100 Oxen, 20 Waggon-Loads of Hay, and 300 of Wood, desiring their Answer in Three Daystime, and acquainting them, That if they did not comply, and put themselves under the Protection of Prince *Ragotzi*, he had Orders to plunder their Town. Thereupon the Inhabitants resolved to defend themselves to the last Extremity, and accordingly made the necessary Preparations for that Purpose. In the mean time, *Szabo*, with his Detachment, came the 4th to the Banks of the *Danube*, near the Island *Raskev*, a little above *Buda*, and the River being frozen over, he sent 400 Men into the said Island, who plunder'd the Inhabitants, and seiz'd their Horses and Cattle, while himself with the rest of his Men did the like in the Neighbourhood of *Pest*. But upon the Approach of a Detachment of *Rascians*, they retired towards *Keskemet*. On the 11th, 10000 of the Malecontents, commanded by Count *Caroli*, pass'd the *Danube* over the Ice near *Komere*, into the Lower Hungary, and advanced within 4 or 5 Miles of *Oedenburg*; whither the Count sent Six of his Officers to offer that Town the Protection of the Malecontents; but after some Days Stay in these Parts, finding none of the Inhabitants would willingly join him, he return'd back into the Upper Hungary.

All this while there was a Talk as if there had been a Negotiation on Foot between Prince *Eugene* and Count *Berezeni*, one of the Chief of the Malecontents; but however that were in Reality, now it was that we met with the Heads of a large Manifesto, said to be published by the Hungarian Malecontents, wherein, 1. They protest, That they have



Design against the most August Emperor their  
 sovereign; that, on the contrary, they shall always  
 be ready to sacrifice their Lives and Estates for main-  
 taining his Glory, whenever he shall use them as a  
 good Prince, which they believe him naturally to be.  
 Then they represent and demand, 2. To be re-established  
 in the same Privileges and Prerogatives they en-  
 joy'd at the Time they became his Imperial Majesty's  
 subjects. 3. That the Blood of their Martyrs cries  
 for Liberty of their oppress'd Consciences, and claims  
 again their sacred Places for performing their Divine  
 Worship. 4. That the Revenues of their Consisto-  
 ries, which the Jesuits have possessed themselves of,  
 be likewise restored. 5. That their Archives be like-  
 wise return'd them. 6. That they be restored to  
 their Places and Dignities as formerly. 7. That the  
 Jesuits be banished out of all *Hungary* and *Transil-*  
*vania*. 8. That they be re-established in the Enjoy-  
 ment of their Colleges and Revenues, for the Main-  
 tenance of their Teachers. 9. That those whom  
 Violence and Constraint has obliged to change their  
 Religion be permitted to turn again. 10. That the  
 Books, and other Papers taken from the Protestants  
 concerning their Grievances, be restored to them.  
 11. That the Grants made to the *Roman* Clergy of  
 Lands by the persecuted Protestants, be annull'd,  
 and the said Lands restored to the Protestant Clergy,  
 to be applied to the Relief of their Poor. 12. That  
 all the Popish Clergy shall forthwith leave the Coun-  
 try, except they be native *Hungarians* or *Transylvani-*  
*ans*. 13. That in case the Emperor will appoint  
 Commissioners to treat of a firm and lasting Peace,  
 Prince *Ragotzi* and his Adherents are disposed to do  
 the same, and to agree upon a Place where they may  
 meet with Safety, and will yield to a Suspension of  
 Arms during such a Negotiation, the Time of which  
 shall be limited, to the End it may not be spun out.  
 14. That some Potentate be Guaranteed of the Trea-  
 ty that shall be concluded. 15. That without in-  
 croaching on the Sovereignty of his Imperial Maje-  
 sty, they may be permitted to send Deputies to the  
 Dyet of the Empire, to take Care of what concerns  
 them in Spiritual Affairs only. 16. That for all the  
 Cruelties inflicted on their Families, and to bury the  
 Re-

January.  
 Hungari-  
 an Mani-  
 festo.

*January.* Remembrance of them for ever, they may be exempted from all Taxes laid, or to be laid, during the Space of Fifteen Years. 17. That they may be permitted to have a free Trade where ever they shall think fit, except with his Imperial Majesty's Enemies. 18. That the Princess *Ragotzi*, with her Family, be set at Liberty, and that all her Jewels be restored her, without pretending any thing for her Maintenance, or any other Expences, she having been deprived of her Revenues. 19. That the Castle of *Mongatz* be restored to the said Princess in the State it is now in, to the End she and her Heirs may enjoy it for ever, as also the Lordship, with the Liberties and Privileges belonging thereto. 20. That the Sentence pronounced by the Emperor's Council against Prince *Ragotzi* be revers'd, and that that Prince be re-established in his former Honour, acknowledged a Prince of the Empire, and put again into Possession of all his Rights. 21. That the Lands of that Prince which have been conferr'd on the Jesuits, be given him back in the State they are in, although they may have been improved or augmented with other Fields or Lands. 22. That a general Amnesty be given to all that have supplied that Prince with Money, that have embraced his Party, or taken up Arms in his Favour. 23. That they may be re-established in their Employments, Offices and Dignities, and that their Moveables and Immoveables confiscated to the Emperor's Profit be restored to them. 24. That Protestant Commissioners shall be permitted to enter all Nunneries, and examine if there be any of their Religion there, who have been taken from their Friends in their Infancy, and educated in the *Romish* Communion, in which case they shall be allow'd to take them out of the said Cloisters, if they think fit. 25. That the same shall be done in relation to all married Women, Widows and Maids, in order to set at Liberty all such as shall desire it. 26. That there shall be Protestant Schools in all the Towns of *Hungary*, where formerly any have been. 27. That all *Lutherans* shall have Liberty to come and settle in such Places of *Hungary* and *Transylvania* as they shall think fit, to the End the said Country, which has been laid waste by Persecution, may be re-peopled.

28. That

January.

28. That there shall be Courts of Judicature, composed Half of Protestants, and Half of Roman Catholics, in all Cities and Places which were formerly wont to administer Justice. 29. That the same shall be likewise practised in all the Towns where there are several Magistrates, and where there is but one, that Office shall be exercised by Turns. 30. That the Protestant Magistrates shall not be obliged to assist at any Function contrary to their Consciences. 31. That the Protestants shall not be obliged to place any Ornaments at their Doors, or Windows, on the Festival called *Corpus Christi* Day. 32. That in case they should happen to meet the Host, they shall not be obliged to withdraw or kneel, but only pull off their Hats, as if they saluted the Priest. 33. That the Protestants shall have every where Bells, to the End they may at their Ringing assemble to worship God. 34. That as nothing is more capable of preserving Union than an Agreement well regulated, they demand, That whenever a Marriage shall happen between Persons of the Two Religions, the Boys shall follow that of their Father, and the Girls that of their Mother. 35. That neither the Fathers nor Mothers shall be able to disinherit the Children that shall embrace the Protestant Faith. 36. That the Protestants shall have Liberty to hold their Synods so often as the Affairs of the Church shall require. 37. That his Imperial Majesty, to be the better satisfied of their Loyalty and Fidelity, may send to those Synods a Commissioner to take Care of his Interest, and hinder their Treating of any thing but Ecclesiastical Affairs, provided nevertheless the said Commissioner be not a Jesuit. 38. That they shall have Liberty to receive publickly, and before all the World, all Profelites that shall come over to them, who shall not be deprived of their Places, Employments or Dignities upon that Account. 39. The Inhabitants of *Hungary*, who are at present in Arms, for recovering their ancient Liberties, declare before God and the World, That they are ready to lay them down, in case his Imperial Majesty will give them good Assurances for their Re-establishment, pursuant to those Articles. 40. They further demand, That their Corn and Manufactures may be transported

January.

ported throughout the whole Empire, without paying Custom for Fifteen Years. 21. They declare, That it is with great Grief they see the deplorable Condition of the Empire, and particularly of the Cities where the Protestants have had the free Exercise of their Religion. 42. That on this Consideration they are willing to desist from several of their Demands. 43. That in case speedy Satisfaction be given them, they will furnish the Emperor with 25000 Men, to help to retake *Ulm*, &c: 44. And demand no Pay, but the Contributions they can get from the Enemy. 45. That at the End of the ensuing Campaign, they will keep up these 25000 Men, but 6000 Foot and 4000 Horse, which they will furnish to his Imperial Majesty as long as the War continues. 46. That these 10000 Men being in the Field, may be commanded in Chief by one of the Emperor's Generals, on Condition that the Officers Posts which become vacant, be given to none but those of the same Regiments, who shall rise by Degrees. 47. That these Troops shall have their own Council of War. 48. That they shall be sent into Winter-Quarters the latter End of *October* at farthest. 49. They engage to have the said 10000 Men recruited before the 15th of *April*, 1705. 50. That they shall have their own Artillery, on the Foot shall be agreed on. 51. That when a Peace is made they shall all be disbanded, and conducted home the nearest Way. 52. In case any thing be done contrary to this Treaty, either through Ignorance, or otherwise, it shall be immediately redress'd. 53. The Day of Signing this Agreement shall be solemnly kept every Year, with publick Prayers, both by the Protestants and Roman Catholics. 54. They engage not to suffer any Levies in their Country, without his Imperial Majesty's Consent. 55. That they will assist his Imperial Majesty with all their Power in the Wars he shall undertake for the future, provided they be not against Protestants. 56. That no Detachment of the 10000 Men they shall furnish shall act separately, there being but too sad Experience of the ill Success such a Proceeding produced last Campaign in the Empire. 57. That they will furnish the said 10000 Men with all Necessaries. 58. That



they shall cast Lots with the other Troops which shall have the Post of Honour. 59. That entering into his Imperial Majesty's Service, they shall be obliged to take an Oath of Fidelity to him, in order to remove all Distrust.

January.

Being now come upon the Frontiers of Turkey, it will not be amiss we should make a Tour to the Port, where we find the new Grand Seignior *Achmet* make great Alterations in the Government; he turn'd out the Grand Visier of the *Fanizaries*, the *Bostangi Bascha*, the *Aga* of the *Fanizaries*, and others who had most contributed to the Dethroning of Sultan *Mustapha*, and his own Election. He (who seems to be a Man of Parts) began to be weary of them, who pretended to govern as they pleased, and to leave unto him only the Name of Emperor. He began with the *Aga* of the *Fanizaries*, and the Grand Visier, who little expected that Treatment, was on a sudden turned out, being deprived of all his Friends. He was succeeded in that great but dangerous Post by *Hassan Bascha*, the *Recab Chimacan*, who has the Reputation of being a Man of great Parts, and to understand Foreign Affairs better than any Minister of the Port.

1703.

Now this new Grand Visier having, according to Custom signified to the Ministers of the European Princes, that he was ready to give them Audience, they were conducted to the same with the usual Ceremonies. The Ambassador of France was admitted first to that Honour, the Ambassador of England came next, and then the Ambassador of the States-General had Notice to come immediately to his Audience, next to the *English*. This Notification embarrass'd very much *Monsieur Colier*, who having received Directions from his Masters to avoid giving any Dispute to the Republick of Venice about Precedency, did not know how to extricate himself of those Difficulties.

Having in the preceding Volume given an Account of the Contest between the Ministers of the Two Republicks about Precedency, we shall add here, that their High Mightinesses being willing to cultivate in this Juncture a good Correspondence with the Republick of Venice, they ordered Count *Colier* to

*January.* avoid any Disputes in point of Rank and Precedency. That prudent Minister, in Obedience to his Masters had no other Way than to feign to be indisposed and sent his Secretary to thank the Grand Visier for the Honour he had done him, and to assure him that he would wait upon him as soon as he was well. Mean time, the *Venetian* Ambassador made pressing Instances to obtain his Audience. but the Grand Visier suspecting that the Illness of Monsieur Colier was a political Indisposition, the Ambassador of *Venice* solicited in vain for Ten Days together to be admitted, which was at last granted him, the *Turks* judging that the *Dutch* Minister expected fresh Instructions from his Masters, and the Grand Visier, who had particular Esteem for him, being unwilling to oblige him to make any Steps without their Order.

The *Venetian* Ambassador had done his utmost to maintain the Precedency of his Republick, and acknowledged, that the *Dutch* did never pretend in any Court of *Europe* to take Place before *Venice*, but the Grand Visier answer'd, That the Ceremonial was different almost in all the Courts of *Christendom*, and in short, that the Grand Seignior was not obliged to take Example from others for what was to be done in his Court, and therefore was resolved to suffer no Innovation in that Point, and that the Ambassadors of the States should have their Audience before those of *Venice*. The new Grand Seignior had resolved to conform himself to the Ceremonial practised among the Western Nations, and to send Envoys to the several Courts of *Europe*, to notify his Accession to the Throne, but Sir Robert Sutton, Ambassador of the Queen of England, and Count Colier, Ambassador of the States, prevented the same, and represented, That *Christendom* being involved in a general War, the Character of the Ministers of his Highness might be perhaps, expos'd to some Insults, by reason of the March of the Armies, and other Inconveniencies. This Representation had the designed Effect, and the Grand Seignior contented himself to send Seignior Alexander Maurocordato to the said Ambassadors, who deliver'd them Letters from his Highness to their respective Masters, notifying his Accession to the Throne, and his Resolutions to cultivate a good

good Correspondence with them. He deliver'd these Letters, first to the Ambassador of *France*, next to that of *England*, the Third to the Ambassador of *Muscovy*, the Fourth to that of *Holland*, observing the Ceremonial so much complain'd of by the *Venetians*, and desired the said Ministers to send those Letters with all Speed, and procure an Answer.

They told us farther from those Parts, that the new Grand Visier seem'd very inquisitive about the Affairs of *Christendom*, and the Grand Seignior himself did not appear a Stranger to the Interest of the Christian Princes. The Ambassador of *Holland* had Audience of the Grand Visier on the 24th of *December*, 1703. and was told by that Prime Minister, That his Master approved very well the Design of the Emperor and his Allies to send the Arch-Duke *Charles* to *Portugal*, being sensible that nothing but the Elevation of that Prince to the Throne of *Spain* could restore a just Ballance to *Europe*; very remarkable Words, but after all, perhaps, spoken only to the Minister of *Holland* with no other Intent than to let him know, that he understood the Affairs of *Europe*.

The *Swede* was all this while doing what he pleased in a manner in the Northern Parts; he possess'd himself of *Elbing* on the 11th of *December* last, and put the Inhabitants under an heavy Contribution. *Dantzick* now seem'd to be somewhat in Danger, while the King of *Poland* having quitted *Jawarow*, after the Separation of the Council assembled there, as it was mention'd in our last Volume, set out for *Dresden*, accompanied by Prince *Furstenbergh*, Two other Lords, and 4 or 5 Servants. The sudden Departure of that Prince occasion'd a great Surprise, and his Enemies gave out, that he had for ever abandon'd *Poland*, but his Return thither towards the latter End of this Month, has shew'd how groundless that Surmise was. The Prince having summon'd the States of his Electorate, and obtain'd a considerable Supply to enable him to reinforce his Troops, and put himself in a Condition to defend his Crown and Dignity, return'd to *Poland*.

On the other Hand, the Dyet summon'd by the Marshal of the Confederated Nobility, met at *War*, Jan the 14th, but the Commissioners of the King

January:

Dec. 24.  
1703.The  
Swede  
takes *El-  
bing*.  
Dec. 11,  
1703.Confeder-  
ated Dyet  
meet.  
of 14.

*January.* of Sweden, who had promised to be there to treat of Peace, being not arrived, they adjourn'd to the 30th, and the Deputies having taken their Places, the Cardinal-Primate made a long Speech, setting forth, That the Councils held at *Thorn*, *Mariemburgh*, and *Zawarow*, and the Dyet held at *Lublin*, having not been able to procure Peace to the Republick, he had thought of some other Expedients more effectual, and that he presented himself to them under the Cross, being call'd to Fight for Liberty, the only Support of the Republick. He thank'd the Confederates of Great Poland, for having, as Children of Peace, apply'd themselves to him, as the Protector of Laws, Religion, Liberty and Property, and exhorted them to continue in the same Principle. He told them farther, That tho' his Majesty had thought fit to withdraw from *Warsaw*, he, the said Cardinal, had resolved to continue there, and not to forsake the Interest of his Native Country, which he had constantly pursued, without any Regard to his own private Advantage, Friends or Enemies, and to the endangering of his Health. He added, That the Matters they were to debate, being of the highest Importance, it was fit to proceed therein with Order, Calmness and Unanimity.

The Marshal of the Confederates desired Leave to speak, and having at large explain'd the Reasons which had rendred their Confederacy necessary, he told the Assembly, That they were not come thither as Rebels, but as free Gentlemen well affected to the Good of their Country. He made heavy Complaints against the Proceedings of the Dyet held at *Lublin*, who shew'd no manner of Regard for the Deputies of the Confederacy, and magnified very much the Exactions of the *Saxon* Troops, without mentioning the *Swedes*. He desired the Cardinal, in the Name of the Assembly, that he would, as Primate and first Member of the Republick, make such Overtures as might tend to the Advantage of the Nation; and acquainted him, that they had sent Deputies to the King of Sweden to desire him to send some Commissioners to treat with them of proper Means to restore Peace, and had written to the several *Palatinates* to acquaint them with the Reasons and Motives of their Assembly, and invite them to

Cardinal-  
Primate's  
Speech to  
the Dyet.  
30.

Marshal's  
Speech.



January.

join with them, desiring the Cardinal to write likewise to them on the same Subject, concluding, That he, and the rest of the Confederates, put themselves under the Protection of his Eminence, and were resolved to follow his good Advice in every thing. It was proposed then to proceed according to Custom, to the Election of a Marshal of the Confederacy, but the same was put off till next Day, some having represented, That it was necessary to defer that Election, till the Arrival of the Deputies of *Lencisz*, who were hourly expected. The next Day they met again, and the *Sieur Pisdr*, Marshal of Great Poland, was unanimously declared Marshal of the Confederacy, and it was resolved, that the Deputies of the Palatinates and Vayvodships should own him for such, and that the Articles of their Confederacy should be drawn up, and signed by all the Deputies who should appear in that Assembly. The new Marshal having received the Staff from the Hands of the Cardinal Primate, and taken his Seat, they appointed the Deputies to invite the Commissioners of the Republick to come into the Assembly, and sent the like Deputation to the Generals of the Crown. They sent likewise Deputies to the *Sieur Wachslager*, Resident of Sweden, to know the Intentions of his Master; but the latter told them, That he had no Instructions on that Point, but that he had Advice, that General *Horn* was on his Way thither with necessary Instructions from his Master; whereupon the Assembly adjourning to the 1st of February, we shall hear more of them in that Month.

February.

Upon our Return to *England* from these Parts, we find the Commons, on the 1st Instant, proceeded to take into Consideration the Account of the Conspiracy, which the Queen had been pleased to communicate to them, and the Papers relating thereunto being read, it was unanimously resolved, 'That an Address should be presented to Her Majesty, acknowledging Her great Goodness in communicating those Papers; and that their House was abundantly satisfied in Her Majesty's wise Conduct and great Care of Her People, and also assured Her Majesty, that they would, to the utmost of their Power, support Her Majesty against all Her Enemies what-

Commons  
Address.

1.

February.

‘soever. This Address being presented to the Queen by such Members of the House as were of Her Majesty’s Privy-Council, Her Majesty commanded Mr. Secretary *Hedges* to acquaint the House, That She was glad they were so well satisfied with what She had done, and that She took very kindly the Confidence they had in Her, and the Assurances they had given Her on that Occasion.

The Order of the Thistle revived in Scotland.

But before this, viz. on the 31st of the last Month, the Queen was pleased to sign a Patent to be pass’d the Great-Seal of Scotland, for Reviving and Restoring there the most Ancient and Noble Order of the Thistle, in pursuance of which Patent, *John Duke of Argyle* was received into that Order the 4th of February by Her Majesty the Sovereign thereof; so were Three Days after *John Duke of Artholl*, *William Marquess of Annandale*, *James Earl of Dalkeith*, *George Earl of Orkney*, and *James Earl of Seafield*. Her Majesty dispenced, during her Royal Pleasure, with the Ceremonies and Solemnities of their Instalment, as well as that of all the Rest of the Knights Brethren; and was pleased to give a Commission to *David Naime*, Esq; to be Secretary of the said Order, and to confer upon him the Honour of Knighthood. Some Historians say, That Order was first Instituted by *Achaius King of Scotland*, after having concluded an Alliance with *Charlemaign*. Others tell us, it was Instituted, or at least renew’d by *James IV.* who took St. *Andrew* for Proctor thereof. It was afterwards neglected, till the late King *James* revived it; but there was no Creation of any Knight in the Reign of King *William*. The Esigins of the Order are a Green Ribbon, which they wear in the same Manner as the Knights of the Garter wear a Blue, and a Star. Their Motto is, *Nemo me impune Lacessit*.

Proceedings against the Author of the *Observer*.

3.

In the mean time, the Author of a weekly Paper, called, *The Observer*, having ventur’d to publish his *Remarks on Occasional Conformity*, a Complaint was made against him in the House of Commons, and upon Examination of the Matter, it was Resolved, That the *Observer* from the 8th to the 11th of December, 1703. Contains Matters Scandalous and Malicious, reflecting upon the Proceedings of the House, tending to the Promoting of Sedition in the Kingdom: And that Tur-

chin

china the Author, How the Printer, and Bragg the Publisher of that Paper, should be taken into Custody of the Serjeant at Arms attending the House. Thereupon Tutchin absconded, and notwithstanding the Censure past upon him, went on in his way of Writing, and made sharp Reflections upon a Speech said to have been made by Sir John P-----n, in the House of Commons, in favour of the Bill to prevent Occasional Conformity. A fresh Complaint being made again for this Second Offence, the Commons resolved on the 1st Instant, That the Author, Printer and Publisher of the Observator, having broke the Privilege of the House, and since absconded from Justice, an humble Address be presented to Her Majesty, that she would please to issue her Royal Proclamation for Apprehending them, Promising a Reward for Discovery of them.

14.

On the 21st of February, the Count de Wratislaw, C. Wratislaw gives the Emperor's Envoy Extraordinary, having also received the Character of Envoy Extraordinary from the King of Spain, had publick Audience of the Queen, Thanks in the Name of Charles III. K. of Spain. and returned Her Thanks, in the Name of his Catholick Majesty, for the Powerful Succours and Assistance, which her Majesty had afforded him, in Order to his Expedition to Spain: After which that Minister had also Publick Audience of his Royal Highness, Prince George of Denmark. Three Days after Two Proclamations were publish'd, the one promising a Reward of 500*l.* for the Discovery of the Key and Cypher of Four Letters, written in Gibberish Language, relating to the Scotch Conspiracy; the other for Apprehending of John Tutchin, Author of the Observator, John How the Printer, and Benjamin Bragg the Publisher, with a Reward of 100*l.* for the first and 50*l.* for each of the other Two.

While these Things were doing, her Majesty on the 7th order'd the following Message to be delivered to the House of Commons.

ANNE R.

HER Majesty having taken into Her Serious Consideration the mean and insufficient Maintenance belonging to the Clergy in divers Parts of this Kingdom, to give them some Ease, hath been pleased to Remit the Arrears of the Tithes to the Poor Clergy; And, for an Augment-

Queen's  
Message  
about the  
poor Clergy.

sign

*February.* tion of their Maintenance, Her Majesty is pleased to declare, That She will make a Grant of Her whole Revenue arising out of First Fruits and Tenths, as far it now is, or shall become free from Incumbrances, to be Applied to this Purpose : And if the House of Commons can find any proper Method, by which Her Majesty's good Intentions to the Poor Clergy may be made more Effectual, it will be a great Advantage to the Publick, and very Acceptable to Her Majesty.

Upon which the House of Commons presented the following Address.

Most Gracious Sovereign,  
 Commons Address upon it. **WE** your Majesty's most dutiful and loyal Subjects, the Commons in Parliament assembled, beg Leave to present our most humble and hearty Thanks to your Majesty, for your most gracious Message, in which you are pleased to declare your Royal Bounty, in remitting the Arrears of the Tenths due from your poor Clergy ; and in charitably designing for the future to apply your Majesty's whole Revenue, arising from the First-Fruits and Tenths, in Augmentation of their Maintenance.

We are justly sensible of your Majesty's Pious Concern for the Church of *England*, and of the great Advantage it will receive from your Majesty's unparallel'd Goodness, in giving up such a Part of your Majesty's Revenue towards the better Provision for the poorer Clergy, who were not sufficiently provided for at the happy Reformation of Religion under your Royal Ancestors.

Your Majesty's faithful Commons will use their utmost Endeavours to render your Majesty's charitable Intentions most effectual ; and will, upon this, and all other Occasions, readily apply themselves to such proper Methods, as may best conduce to the Support of the Clergy, and to the Honour, Interest, and future Security of the Church of *England* as by Law established.

Her Majesty was pleased to give this gracious Answer :

Gen.



Gentlemen,

I AM very glad to find my Message has been so accepta-  
ble to You; I hope you will effectually improve it, to  
the Advantage of the Church of England as by Law Estab-  
lished; for which no Body can have a more True and  
Real Concern than my Self.

February.

Queen's  
Answer.

Excited with the Queen's Magnificence, the 15th,  
the Archbishop and Bishops, with the Clergy of the  
Province of Canterbury in Convocation Assembled,  
presented to Her Majesty the following Address.

May it please Your Majesty,

WE the Archbishops and Bishops of the Church  
of England, together with the Clergy of the  
Province of Canterbury in Convocation Assembled;  
do in behalf of our selves, and all the rest of our  
Brethren, most humbly crave leave to Express the  
great and deep Sense that We have of Your Maje-  
sty's most Tender Compassion for the Poor Clergy  
of this Church, who have hardly therewith to Sup-  
port themselves in the Exercise of their Ministry; and  
of Your Majesty's most Gracious Intentions, even  
by lessening Your Own Revenue, to make a Provi-  
sion for them, in such manner as You were pleased  
to Declare in Your Majesty's late Message to the  
House of Commons.

Address  
of the  
Archbi-  
shop of  
Canter-  
bury, &c.  
15.

As the Day on which We came to the Knowledge  
of this was a Day of Rejoycing to all Your Maje-  
sty's Dutiful Subjects, on the Account of Your Ma-  
jesty's most Auspicious Birth, for which we are ever  
bound to bless Almighty God; so the Hearing of  
this so surprizing an Instance of Your Majesty's Pi-  
ous Zeal for our Holy Religion, and Your Care for  
the Ministers of it, was a great Addition to our Joy,  
and gave us a new and most welcome Occasion of  
enlarging our Thanksgivings to God.

We cannot be Thankful enough for so singular a  
Blessing as We enjoy in a Queen, who Recommends  
our Holy Religion to all Her Subjects by the great  
Example She sets them; and particularly by such  
signal Instances of Piety and Charity, as not only  
Render Her the Joy and Delight of all true Christi-  
ans

February. 'ans of this Age, but leave those Effects behind them,  
 ' for which Her Memory will be Blessed in all suc-  
 ' ceeding Generations.

' These our great Obligations to Your Majesty, will,  
 ' We trust, through God's Grace, Encourage Your  
 ' Clergy Zealously and Cheerfully to Discharge their  
 ' Duty in such a Manner, as may most conduce to the  
 ' Confirming all the Members of this Established  
 ' Church in a steady Adherence to it, and to the re-  
 ' ducing, in God's good time, such as are unhappily  
 ' divided from it.

' We do most faithfully promise for our Parts,  
 ' That we will always keep these Obligations so  
 ' fresh in our Memories, that they may constantly  
 ' excite us to shew all possible Zeal for Your Service,  
 ' against all Your Enemies at Home and Abroad;  
 ' and that We will also use our utmost Endeavours  
 ' to possess the People under our Charge with such a  
 ' just Sense of their great Happiness in Your Maje-  
 ' sty's Government, that they may be convinced, it  
 ' is as well their Interest as Duty to join with Us in  
 ' offering up our most hearty and fervent Prayers to  
 ' God for the long Continuance of it, and for the  
 ' good Success of all Your Majesty's Counsels and  
 ' Undertakings; and, if it be His gracious Will,  
 ' that Your Majesty's Reign may exceed in Length  
 ' and Glory that of any of Your Royal Predecessors,  
 ' and particularly of that much renown'd Queen,  
 ' whom God was pleased to make the happy Instru-  
 ' ment of Our Reformation.

Her Majesty's most gracious Answer to the Address  
 was to this Effect:

My Lords, and the rest of the Clergy,

Queen's  
 Answer.

*I Am glad that what I have signified to the House of  
 Commons, in order to the better Support of the poor  
 Clergy of the Church of England, is so well understood  
 and received by you.*

*I do depend upon it, that they will make the Use of it  
 that I intend.*

*And I take this Opportunity again to assure you, that I  
 will always continue to protect the Church of England, as  
 by Law established.*

But

But how pleased soever Her Majesty's Subjects were with Her Generosity to the poor Clergy, the Two Houses of Parliament were not so with one another; for the Commons, on the 3d, having taken into Consideration the Report of the Members appointed to search the Journals of the House of Lords, touching their Proceedings relating to the Conspiracy, resolved, That an humble Address should be presented to Her Majesty, to clear that House from the Misrepresentations of the Lords in their Representation to Her Majesty, and the Committee appointed to draw up the same having reported it on the 18th, it was approved and agreed to, and on the 21st presented to Her Majesty by the whole House, being as follows:

*Most Gracious Sovereign,*

**Y**OUR Majesty having, with great Goodness, declared from the Throne to Your Parliament, That divers ill Practices and Designs had been carried on in *Scotland*, by Emissaries from *France*, which might have proved extremely dangerous to the Peace of these Kingdoms; and that You would lay the Particulars before Your Parliament, as soon as the several Examinations could be fully perfected, and made publick without Prejudice: We, Your Majesty's most Dutiful and Loyal Commons, resting secure and satisfied in Your Majesty's great Wisdom and Care, most thankfully acknowledged the Confidence You have been pleased to repose in us.

But finding upon the Lords Journals, That their Lordships the very same Day made Two Orders, one to remove Your Majesty's Prisoners out of Your Custody into their own, and the other to commit their Examination solely to a Committee of Seven Lords, chosen and appointed by themselves; by which Your Majesty seem'd excluded from any Power over the said Prisoners.

Your loyal Commons, justly sensible of the dangerous Consequences of such Proceedings, thought themselves obliged to declare their Concern at this Violation of Your Royal Prerogative, and the known Laws of the Land, in an humble Address presented to Your Majesty.

Commons  
Address  
to the  
Queen.  
21.

‘Your

February.

Your faithful Commons are well assured, when  
 this Matter comes to be rightly stated and under-  
 stood, a Zeal so well intended, and so well ground-  
 ed, will rather be imputed to them as meritorious,  
 than liable to Exception; and therefore since their  
 humble Address has been so artfully misrepresented  
 by the Lords in their late Representation, present-  
 ed to Your Majesty on Tuesday, the 18th of January,  
 and published and spread with unusual Industry  
 through all Parts of the Kingdom, they look upon  
 themselves under an indispenfible Necessity of ap-  
 pearing before Your Majesty in their own Justifi-  
 cation,

Their Lordships think fit to take Offence at the  
 Manner and Words of our Address, and accompany  
 this Exception with Reflections and Insinuations,  
 more harsh and more odious than the most Oppro-  
 brious Language: But as we made use of no Terms,  
 but what were suitable to the Occasion, so it will ap-  
 pear by Precedents, That the same have been fre-  
 quently and reciprocally used by both Houses to each  
 other; nor could the Commons, in respect to Your  
 Majesty, assert Your Royal Prerogative in Words  
 of less Force than those in which they have vindic-  
 cated their own Privileges.

Whatever Expressions our Zeal for Your Maje-  
 sty, and the Publick, might have inspired, we could  
 never have offered to our Sovereign so ungrateful a  
 Remembrance as the Destruction of the Monarchy  
 by a detestable Assembly, composed of Members of  
 both Houses, who being alike Partakers in the  
 Guilt, ought equally to share the Reproach.

With much more Reason might we observe, both  
 on Behalf of Your Majesty and the Commons,  
 That their Lordships, not contented with prefer-  
 ring their own Examinations to yours, not contented  
 with excluding Your Majesty and the Commons,  
 to whom Parliamentary Enquiries most properly be-  
 long, appropriate to their House only, even in their  
 Application to their Sovereign, the Name of a Par-  
 liament; an Instance not to be parallell'd, unless by  
 that very Assembly that subverted the Monarchy.



February.

'It is not the Question at present as Stated by the Lords, Whether their Lordships have a Power of taking into Custody, while under Examinations, Persons accused of Criminal Matters, cognisable in Parliament? But, that their Lordships have a Right to take the Prisoners of the Crown, and the Examination of them, solely into their own Hands, without Your Majesty's Consent, and in such a Manner as must necessarily prove an Exclusion to Your Majesty, and this House, is the Proposition your Commons deny, and for which their Lordships have produced no Precedent.

'This unhappy Occasion has been at the same Time accompanied with the most surprizing Instances of Contradiction, and Counter-Orders to Your Majesty, both proceeding and subsequent to it, but especially on the 29th, of *January* last, when Your Majesty with your accustom'd goodness communicated to the Lords the Papers relating to the *Scotch* Conspiracy, with an Exception only of some Matters not yet proper to be made publick without preventing a further Discovery of Secrets of greater Importance, with which Your Majesty assured their Lordships they should also be acquainted as soon as it could be done without Prejudice. However their Lordships, upon what Provocation, or for what Reason, no where appears, immediately Address'd to Your Majesty, pressing you to lay before them the whole Matter, with all Papers relating thereunto; by which Your Majesty was put under a Necessity, either to give their Lordships a Refusal, or to comply with their unexpected Importunity, to the endangering the publick Service. These Proceedings, so extraordinary in their Nature and in their Manner, could not but sensibly affect your Faithful Commons, whose earnest Desire it is, to see both your Houses of Parliament, and the whole Body of your People, entirely agreed to pay the Deference due to Your Majesty's Wisdom, to Confide in your Care, and to Promote and Maintain your Honour and Dignity.

'Their Lordships, not satisfied with assuming this unprecedented Power, have endeavoured, with a great deal of Art, to persuade Your Majesty of the  
'Ne-

February.

Necessity of it ; to prevent the Designs of ill Princes  
 and their Favourites: But as it may seem unreasonable  
 for their Lordships to begin to practice upon a  
 good Prince such Methods as are pretended only to  
 be needful against an ill One, so it is our humble O-  
 pinion, That the Dangers might be much greater,  
 admitting this Precedent, should the Lords com-  
 bine to defend one another from Enquiries and Pro-  
 secutions, all Parliamentary Impeachments might be  
 eluded, secret Designs carried on, the Innocent Af-  
 fected without Reparation, and the Guilty Acquit-  
 ten without Tryal. Nor is that Instance mentioned  
 by the Lords an unreasonable Caution, since that  
 Revolution in a Neighbouring Kingdom, alluded to  
 by their Lordships, was occasioned by the Incroach-  
 ments of a prevailing Cabal of Lords, who endea-  
 vouring to Enslave the People, and to betray their  
 King and their Country to a Foreign Power, obliged  
 the Church and the Commons to Unite in the Pub-  
 lick Defence.

Your Faithful Commons have found themselves  
 so happy under Your Majesty's Administration, that  
 they please themselves with more agreeable Prospects  
 and renouncing such Examples of unseasonable Jeal-  
 ousies and Fears, most thankfully receive the Bless-  
 ing of your Reign : Nor could they have made a  
 more grateful Return for Your Majesty's Generous  
 Protection to their Liberties, than by a suitable Con-  
 cern for your Prerogative.

If their Lordships had consulted their own Jour-  
 nals with the same Care that we always take to be  
 rightly informed, they would hardly have affirmed,  
 That a direct Appeal to the Throne, without any  
 previous Desire of Conference, had been an Unpre-  
 cedented Practice : Their Books are filled with va-  
 riety of Instances to the contrary ; but without exa-  
 mining their Books, it seems very surprising, that  
 their Lordships could so soon forget their Address  
 presented to Your Majesty the last Session on behalf  
 of the Lord Bishop of *Worcester*, and their Address to  
 the late King on behalf of *William Earl of Portland*,  
*Edward Earl of Orford*, *John Lord Somers*, and *Charles*  
*Lord Halifax*, Impeached by the Commons of High  
 Crimes and Misdemeanors ; And when this House

for

formerly expostulated with the House of Lords, for *February.*  
 'Proceedings in the very same Method of which they  
 'now complain, their Lordships made a most solemn  
 'Declaration in these Words;

*That they must ever assert a Liberty in their House to  
 apply to the Throne by themselves, for the doing any  
 thing warranted by Law, &c.*

'Nor can the Lords, we presume, upon second  
 'Reflection, deny the Commons the same Liberty,  
 'which their Lordships themselves have so strongly  
 'asserted, and so frequently practised.

'Your loyal Commons sincerely concur with their  
 'Lordships in declaring, That we will never contri-  
 'bute by any Act of ours to the Diminution of the  
 'Rights of the Crown, and that we will not suffer it  
 'in others: Your Majesty, their Lordships, and  
 'the whole World, may judge from the Example  
 'we have now given, if their Lordships do truly  
 'with the House of Commons may in all Times  
 'to come speak and act with that Regard to the  
 'Prerogative, which they allow us the Honour to  
 'have now taken up; we shall be very unfortunate  
 'to continue under their Displeasure at the same time  
 'when they seem to hope, that those who succeed us  
 'will take Pattern by us.

'We wish their Lordships also on their Part may  
 'continue in all Times to come, to speak with that  
 'Regard to Parliamentary Impeachments, which  
 'they seem so lately to have taken up, since we have  
 'Reason to apprehend, that the Misunderstandings  
 'which have of late Years arisen between the Two  
 'Houses, have been principally owing to the Arti-  
 'fices of some particular Persons among themselves,  
 'whom the Commons thought it their Duty for the  
 'publick Safety to bring to Justice. How much  
 'more difficult will all such Endeavours be rendered,  
 'should their Lordships be once admitted sole Exami-  
 'ners of Accusations against each other, as they are  
 'already sole Judges.

'We are accused, but most unjustly, of exciting  
 'and earnestly desiring Your Majesty to exert Your  
 'Prerogative against the House of Lords: We appeal

H

to

*February.* to the Words of our Address, if it is possible naturally to impose any such Sense upon any Expression that is there: We are sorry their Lordships should descend so low as to the Straining and Wresting of Words, by which they rather discover an unfortunate Inclination to make us seem culpable upon any Terms, than that they in Truth believe us so: We know how vain and how fruitless an Application it would be to excite Your Majesty to any Abuse of Your Power, which we are convinced You will always exercise for the general Good; and so far are Your Commons from entertaining any such Desire, that we heartily wish to see a good Correspondence preserved between the Two Houses; nor would forbear to purchase it at any Rate, except giving up the Rights of Your Majesty, by whom we are protected, and the Liberties and Properties of the People, by whom we are entrusted.

These few Instances, so plain and so uncontestable, we presume will be sufficient, without trespassing much longer upon Your Majesty's Time, to discredit whatever else has been alledged to create in Your Majesty, and those we represent, an ill Opinion of us: We have been careful and industrious to avoid, as far as was consistent with our necessary Justification, all Occasion of reviving Animosities, and how great soever the Provocation has been, Your Majesty having declared how uneasie You are under such Misunderstandings, we shall make no Difficulty to lay aside our Resentments, who shall always be ready to sacrifice our Lives and Fortunes to Your Quiet and Service: Nor can we doubt but we must stand fully acquitted to the whole World, and especially to Your Majesty, since the Zeal that we have shewn, and the Reproaches that we have born, have been owing to no other Cause but the Defence of an excellent Queen, in whose Hands God Almighty has placed the Executive Authority over these Nations; which Authority it has been the only Endeavour of Your faithful Commons to preserve as entire as our Laws and Constitution allow.



*May it please Your Majesty,*

'It is with the deepest Concern, and a Grief not to *February.*  
'be expressed, that Your dutiful and loyal Commons  
'have found themselves engaged in Disputes of this  
'Nature, by which they have been so unseasonably  
'interrupted in finishing the Supplies, and other  
'Matters of the highest Importance: How zealously  
'they have applied themselves to the Discharge of  
'their Duty, appears from their having already pre-  
'sented Your Majesty with the greatest part of their  
'Aids, with a Dispatch and Unanimity beyond Ex-  
'ample: Nor could the few Bills yet depending have  
'met the least Objection or Delay, but from the in-  
'dispensable Necessity of vindicating Your Majesty's  
'Royal Prerogative, the Privileges of our own House,  
'and the Rights and Liberties of all the Commons of  
'England in several Instances invaded almost at the  
'same time; we with there may have been more of  
'Mistake than Design in those who have created  
'those unhappy Differences: However, we desire  
'the Remembrance may be henceforth blotted out,  
'and that there may remain no other Impression in  
'the Hearts both of Lords and Commons, than a sin-  
'cere and passionate Concern for Your Majesty's  
'Welfare and Glory: Nor any other Contention  
'hereafter arise, but by whom the Publick Good  
'shall be best advanced, the Protestant Succession  
'and the Church of England best secured, and the  
'just Rights and Prerogatives of the Crown best  
'supported.

The Queen's Answer to the Commons Address  
was to this Effect:

Gentlemen,

[Return you many Thanks for the great Concern which Queen's  
you express for Me and My just Rights. Your Dis- Answer.  
such of the Supplies is a great Advantage to the publick  
Service. And I am very well pleased with the Assurances  
you give Me of your Care to avoid any Occasion of Dis-  
sension between the Houses, especially at this Time, when  
there is so apparent a Necessity of strengthening our selves  
against the malicious Designs of the Enemies.

February.

On the 23d the Prolocutor of the Lower House of Convocation, and some more of the same House, attended the Speaker of the House of Commons with the following Order, which Mr. Speaker read next Day to the House.

Ordered,  
 Order of ' **T**HAT Mr. Prolocutor, Mr. Dean of *Winchester*,  
 Thanks of ' Dr. *Edwards*, Dr. *Smalldridge*, and Dr. *Arterbury*,  
 the Lower ' do attend Mr. Speaker of the honourable House of  
 House of ' Commons, and acquaint him, That, after the  
 Convoca- ' Clergy's having waited on Her Majesty, with their  
 tion to ' most humble Sense of Her unexampled Bounty to  
 the Com- ' Her poor Clergy, the Lower House of Convoca-  
 mons. ' on cannot but take Notice, with how much Kind-  
 23. ' ness and Generosity your self, Sir, and the ho-  
 ' nourable House of Commons, had prevented them,  
 ' by your Address upon the same Subject: Wherein  
 ' you have been pleased not only to express your  
 ' Readiness to assist and further Her Majesty's most  
 ' charitable Intentions, but so far likewise to e-  
 ' spouse the Interest of the Clergy, as to pay your  
 ' own most hearty Thanks on their Behalf.

' Our House, Sir, commands me to return their  
 ' most humble Acknowledgments to You and to that  
 ' honourable House, for this so singular a Favour;  
 ' which you have enlarged by promising to pursue  
 ' such Methods as may best conduce to the Support  
 ' Interest and future Security of the Church of Eng-  
 ' land, as now by Law established: And they beg  
 ' Leave at the same time, with the most sensible Gra-  
 ' titude to profess, That they cannot have any greater  
 ' Assurance of what your honourable House has now  
 ' promised, than the constant Experience they have  
 ' had of what it always has perform'd.

*H. Aldrich*, Prolocutor

Next Day, Her Majesty came to the House of Peers; and was pleased to give the Royal Assent to the following Acts.

An Act for granting an Aid to Her Majesty for carry- February.  
ing on the War, and other Her Majesty's Occasions, by  
selling Annuities at several Rates, and for such respective Queen  
Terms or Estates as are therein mentioned. signs  
Acts.

An Act for the publick Registering of all Deeds, Convey- 24.  
ances and Wills, that shall be made of any Honours, Ma-  
nors, Lands, Tenements, or Hereditaments, within the  
West-Riding of the County of York, after the Nine  
and Twentieth Day of September, One Thousand Seven  
Hundred and Four.

An Act for the Erecting a Work-House in the City of  
Worcester, and for setting the Poor on Work there.

An Act for enlarging the Term of Years granted by an  
Act passed in the Session of Parliament held in the Eleventh  
and Twelfth Year of King William the Third, for the Re-  
pair of Dover Harbour.

An Act to repeal a Proviso in an Act of the Fourth Year  
of the Reign of King William and Queen Mary, which  
prevents the Citizens of the City of York from disposing  
of their Personal Estates by their Wills, as others inha-  
biting within the Province of York by that Act may do.

An Act for the Encrease of Seamen, and better Encou-  
ragement of Navigation, and Security of the Coal Trade.  
And to Twenty Eight private Acts.

On the 28th, James Boucher, formerly Aid de Camp Boucher  
and Gentleman of the Horse to the Duke of Berwick, arraign'd.  
was arraigned before the Lord Chief-Justice Holt, the 28.  
Lord Chief-Justice Trevor, and the Lord Chief-Baron  
Ward, the Justices Powel, Pown, Gould and Tracy, and  
the Barons Bury and Price, appointed by a special  
Commission of Oyer and Terminer, at the Queen's  
Bench Bar, upon Two Indictments for High-Trea-  
son, one for being in Arms in the Service of the  
late King James in Ireland, and the other for returning  
into England without Licence, against the Form of  
the Statute made in the Ninth Year of King William.  
The Court being sat, and the Indictments read,  
Mr. Boucher pleaded Guilty, and then having obtain-  
ed Leave to speak, he endeavour'd to extenuate his  
Crime, alledging, That it was very well known,  
'that he had solicited these Two Years for Leave to  
'come over to England; That while he had been in  
H 3 ' France,

February.

France, he had done all he could to subſiſt the Engliſh, that were brought Priſoners to the French Camp; That he apply'd himſelf to Colonel Lumley who promiſed to lay his Caſe before the Queen; but not hearing from him, he went to his Son, who told the priſoner, He had no Opportunity to acquaint the Queen with it: That afterwards he was taken going to Holland, and then he ſent to Colonel Lumley, who promiſed to remember him; That he continued ſtill to ſollicite the Service of Her Maſty's Subjects, and he procured their Horſes that had been taken from them to be reſtored to them: That he ſpoke to Colonel Godfrey, and he promiſed to ſpeak to—, who promiſed to make it their Intereſt to procure his Return: That after the Campaign was over, he came over into England at Noon-Day, with his Children, and ſent up a Letter to my Lord Nottingham, to acquaint him where he was. That, indeed, he follow'd King James into Ireland, but had no Commiſſion, and only ſerved the Duke of Berwick as *Aid de Camp*; and that afterwards he went into France, but never ſerved there with any Commiſſion, but as Maſter of the Horſe to the Duke of Berwick; Concluding, He hoped that the Articles of Limerick would take off a great part of his Offence; and that his Lordſhip, the Lord Chief-Justice Holt, would repreſent his Caſe favourably to the Queen. Then Dr. Sands begg'd Leave to ſpeak on Behalf of the Priſoner; but being told by the Lord Chief-Justice Holt, That all he could do now (the Priſoner having pleaded guilty) would ſignifie nothing, and that if he had any thing to ſay for the Priſoner, he muſt apply himſelf elſewhere; and the Attorney General demanding Judgment againſt the Priſoner, upon his Confefſion of the Two Indictments: Mr. Boucher, ſaid the Lord Chief-Justice Holt, You are by your own Confefſion, Convicted of High Treason, for which, Judgment of Death is to be pronounced upon you, and which you are to ſuffer, under theſe Circumſtances which the Law has appointed. The Fact of which you were accuſed, and have now confeſs'd, is, That ſince the 11th Day of December, 1688. you went into France without License, either from the late King or Queen, and

L. C. J.  
Holt's  
Speech  
before  
Sentence.



and have return'd since the 14th of *January*, 1697. *February.*  
 without any License under the Privy-Seal, either  
 from the late King, or Her Majesty that now is,  
 which Fact is made High-Treason by the Statute of  
 the Ninth Year of the late King. The Wisdom  
 and Justice in making that Law, will be evident to  
 any one that will but reflect upon the Posture of  
 our Affairs at that Time: For the Year preceding  
 to that of the making thereof, there was an horrid  
 Conspiracy form'd from among that Party of Men,  
 who had so left that Kingdom, to assassinate the late  
 King, to introduce a *Popish* and *French* Power, for  
 the Subversion of the Protestant Religion, and the  
 Liberties and Properties of the People of *England*  
 which was managed with that Privacy, carried on  
 with that Secresie, that it was not discover'd, nay,  
 not so much as suspected, until it arriv'd to that Ma-  
 turity, that it was come to the very Point of being  
 put in Execution: The Truth of which is very  
 clear, as well by the Proofs produced at the Tri-  
 als of several of the Malefactors, as even by their  
 own Confession. In the following Year, the Peace of  
*Reswick* was made, whereby the Intercourse was re-  
 stored between *England* and *France*, from thence it  
 was evident, that divers of that Party of Men  
 would return into the Realm, and thereby have an  
 Opportunity to revive and carry on that horrid De-  
 sign in the Success whereof they had been so disap-  
 pointed, for which, no doubt, they were not a little  
 engaged: And it could not be otherwise expected,  
 but they would make use of it; for those of the  
 same Principles will be guilty of the same Practices.  
 Therefore it was necessary to make a Returning  
 into *England*, by any of those who were under these  
 Circumstances, to be so very penal, unless they  
 should give Satisfaction to the Government, ei-  
 ther of their Innocence or Repentance, and ob-  
 tain a License and Approbation for their Return un-  
 der the Privy-Seal: For their Returning in any o-  
 ther Manner, is a Danger to the Queen's Person,  
 and Her Kingdom. This Treason, though it seems  
 and is new in the Form, yet it is compounded of  
 an old Treason, known in the ancient Law of the  
 Kingdom, which is, that of adhering to the King's  
 Enemies.

February. *Enemies.* For what can be thought of those, who in Time of War shall abandon their own Country, be harbour'd and protected in an Enemies Country, for being of an Interest inconsistent with, even repugnant to that of their own? What your Design might be in returning in this Manner, whether to revive and pursue those wicked Practices, your own Conscience is your Witness, and will be your Judge, and if that shall acquit you, it will be for your Advantage in the World to come. But you are an Offender against the Law of the Land, which has made this your Offence to be High-Treason. And thereupon his Lordship pronounced the Judgment appointed for one guilty of that Crime, which done, the Prisoner was remanded to *Newgate*. Two Days after the Lords made an Address to Her Majesty, That She would be pleased to reprieve *Boucher*, to encourage him to make a Discovery, which if he would not do, that then the Severity of the Law might be executed upon him. But having appointed a Committee to examine him in Prison, who found he was able to make no Discovery of the Conspiracy (about which it was supposed he had come over) he had farther Favour shew'd him, and at last a Pardon.

Commons  
Resolve.  
29.

At the same time, the Commons, not contented with having presented their Address in Answer to the Lords Representation to Her Majesty, on the 29th resolved, That the House doth agree with the Committee, that an humble Address be presented to Her Majesty, That She will be pleased to reassume the just Exercise of Her Prerogative, and take to Her Self the Examination of the Matters relating to the Conspiracy communicated to that House by Her Majesty, and to give Assurance, that they would defend Her Majesty's sacred Person and Government against all Persons concerned in the said Conspiracy, and all other Conspirators whatsoever, and to declare, That the Establishing of a Committee of Seven Lords for the sole Examination of the said Conspiracy, was of dangerous Consequence, and might tend to the Subversion of the Government.

And

And the said Resolution being presented to Her Majesty by way of Address by the whole House on the 2d of *March*, She was pleased to answer, ' That the great Marks of Trust and Confidence they had given Her in that Address was very acceptable to Her. She thank'd them for their good Advice, and would constantly exercise Her just Prerogative for the Security and Satisfaction of Her Subjects.

February.

March.

Queen's Answer.

The last Day of this Month the following Address from the Clergy of the Convocation of *York*, was presented to the Queen.

*May it please Your most Excellent Majesty,*

WE, the Clergy of the Province of *York*, in Convocation assembled, do for our selves, and on Behalf of all our Brethren of the same Province, whom we represent, humbly beg Leave to throw our selves at Your Majesty's Feet. in most hearty and thankful Acknowledgment of Your Majesty's most pious and affectionate Care for the Church of *England*, expressed in Your late Message to the House of Commons; wherein Your Majesty is graciously pleased to declare, That You will give Your whole Ecclesiastical Revenue of First Fruits and Tenths, as it shall become free from Incumbrances, to be applied to the Augmentation of poor Benefices throughout *England*.

Address  
of the  
Convoca-  
tion of  
*York* to  
the Queen  
29.

We cannot forbear saying, That Your Majesty has in this surprizing Instance of Your Kindness to the Church, out-done all Your Royal Predecessors since the Reformation. They took Care, that our holy Religion should be purged from the Errors and Superstitions with which Popery had corrupted it: And they took Care likewise, that it should be so transmitted to us; And for this their Memories will be for ever blessed: But Your Majesty not only takes Care to preserve our Religion in the same Purity, and to protect our Church in all its legal Rights and Privileges; but has farther taken Care also, that the Ministers of it shall in due time have a competent Maintenance. The Want of which Provision was, indeed, the great, if not the only Blemish of our Reformation. And therefore doubly  
' blessed

February. 'blessed will Your Majesty's Memory be in all succeeding Generations.

'As we are sure that this pious and charitable Address of Your Majesty's is highly acceptable to God, who fails not to recompence even a Cup of cold Water given to a Prophet in the Name of a Prophet; so we cannot but hope, it will have such an Effect upon all Your Majesty's Subjects, who love our Church and Religion; and especially upon us of the Clergy, that we shall endeavour more and more (if it be possible) to express our Zeal for Your Majesty's Service: And particularly we think our selves oblig'd every Day to put up our most earnest Prayers to God Almighty for Your Majesty's long Life, and happy Reign over us. And that for this exceeding good Work of Your Majesty, He would add an abundant Encrease to the glorious Rewards, that we doubt not, are laid up for You in His Heavenly Kingdom.

To which Her Majesty was pleas'd to return this most gracious Answer.

Gentlemen,

Queen's  
Answer.

*I Take your Address very kindly. It is my Desire that all the Clergy should have a comfortable Maintenance; especially those of them that faithfully do their Duties to God and the Church. Such it shall always be my Care to support and encourage.*

The King  
of Spain  
puts a-  
gain to  
Sea.

Arrives in  
Portugal.

His Re-  
ception  
there.

We have already given an Account of the unfortunate Voyage of the K. of Spain in the last Month; however, the Fleet again, both by the Admiral and Duke of Somerset's Care, was in a Readiness to put to Sea by the 1st Instant; but the Winds continued contrary till the 12th of that Month, when Sir George Rook, having the King on Board, sail'd from Spithead to St. Hellens, and the next Morning made the best of his Way to Portugal. The 2d of the Confederate Fleet gain'd the Rock of Lisbon, and sail'd up the River, the Admiral (on Board whom was the King of Spain) being saluted by all the Forts and Castles with a Triple Discharge of all their Cannon, striking their Flags Three several times before



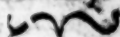
they fired. The Fleet anchored below *Belem* about Four in the Afternoon, a League short of the King's Palace. As soon as the Admiral came to an Anchor, Mr. *Mesheun*, Her Majesty of Great Britain's Envoy Extraordinary, in the Absence of his Father, Her Majesty's Ambassador Extraordinary there, who was indisposed with the Gout, went on Board, had Audience of the King, to welcome him in Her Majesty's Name, and was very graciously received by his Catholick Majesty, who expressed the great Respect and Veneration he had for Her Majesty, and how sensible he was of the great and many Obligations he owed Her, which he hoped he should be so happy as to be able to return in such a Manner, as might shew the whole World the grateful Sense he should always retain of Her Majesty's Kindness to him. The King of Portugal sent the same Night the Duke of *Salvador* on Board the Admiral, to compliment his Catholick Majesty. That Night the King of Spain sent the Prince of *Lichtenstein*, his High-Steward, to wait upon the King of Portugal, with a Compliment of Condolence upon the Death of the *Infanta*, his eldest daughter; to which the King return'd Answer, That the Joy of his Catholick Majesty's Arrival should banish all Sorrow from his Mind, as well as from his Court and Dominions: And Orders were given, That the Mourning upon that Occasion should be laid aside for Three Days, and Illuminations should be made as many Nights in every House, with other publick Rejoicings, which were obey'd by the People of all Ranks and Conditions with all imaginable Chearfulness and hearty Wishes for his Catholick Majesty's good Success in the Recovery of his just Rights. These Rejoicings were begun the Day he landed. The Albrante of *Castile*, and several other Persons of Quality, went also on Board the 25th to wait on his Catholick Majesty.

The 26th, his Catholick Majesty remain'd on Board, and the King sent him a Compliment by the Marquess of *Mariaiva*, Chamberlain of his Household. All Things by the 27th, being ready for the King of Spain's Reception, his Majesty on Board the *Royal Catharine*, Admiral, with the rest of the Men of War, came up the River and anchor'd over against the Royal

February.

al Palace, the Castles on both sides the River continually firing. Between 4 and 5 in the Afternoon, the King of *Portugal* accompanied by the Two Princes his eldest Sons, with several Persons of the first Quality, embark'd on a very noble Brigantine, rowed by Forty Men clad in Crimson Velvet, laced with Silver attended by the rest of the Nobility in Barges and Feluccas, and went on Board the *Royal Katharine*. When his Majesty came by the Ships sides he struck his Flag; and when he came into the Ship, Sir *George Rooke* struck his Flag, and let fly his Streamer, and saluted him with 25 Guns, which was taken by the whole Fleet, and answer'd from on Shore. His Catholick Majesty receiv'd the King of *Portugal* at the Ladder-head, which upon this Occasion was made very commodious, and waited on him to his Cabin, giving him the Right Hand whilst he was in the Ship. After a short stay there, the Two Kings went into the Brigantine. When they put off, both Ships hoisted their Flag, which had remain'd struck while the King of *Portugal* was on Board the Admiral, and Sir *George* gave two Salutes of 25 Guns each, which were follow'd by the rest of the Fleet. The King of *Spain* had the Right Hand on Board the Brigantine; and both Kings landed under a Triumphal Arch, which was erected at the Head of a very Magnificent Bridge built for this purpose, and adorn'd with several Triumphal Arches, which from the Palace Gate run a good way into the River. At their Landing, the King of *Portugal* giving the King of *Spain* the Right Hand, took him by the Hand and led him out of the Brigantine upon the Stairs, and along the Bridge to the Palace; the Nobility, and the rest of their Retinue marching in a great deal of Order, and thus they proceeded to the Royal Chappel, where *Te Deum* was sung for his Catholick Majesty's safe Arrival. Thence the King conducted him to his Bed-Chamber, and there took his Leave of his Catholick Majesty, but return'd soon after, accompanied by the Two Princes and their Majesty's supped together in Publick. The entertainment was in every respect Sumptuous and Magnificent. The Nobility of both Courts were present; the *Germans* and *Spaniards* being distinguish'd

February.



26.

28.

March 1.

2.

by their rich Lac'd and Embroider'd Clothes, and the Portuguese by their Jewels.

Upon the news of the King of Spain's Arrival, the Marquess de Chateaufneuf, Ambassador of France, took his Leave of the King of Portugal, and the next Day he passed over the River in his way to Spain, while Sir George Rooke on the 28th, sent Rear Admiral Diikss on Shoar to Compliment the King of Portugal, to whom he was introduced by Mr. Methuen, her Majesty's Envoy Extraordinary, and was very kindly receiv'd. The Envoy afterwards had Audience of the King of Spain, and made a Compliment in her Majesty's Name upon his being on Shoar, and met with a very kind Reception, his Catholick Majesty expressing still the great Respect he had for her Majesty, and how much he thought himself obliged to her. The 29th the Duke of Schomberg, Captain General and Commander in Chief of the Forces designed for this Expedition, presented my Lord Portmore, and the rest of the General Officers to the King of Portugal, who met with a very favourable Reception. And the first of March, Sir George Rooke, and the rest of the Officers of the Fleet, introduced by the English Envoy, waited upon the King of Portugal, who receiv'd them with great Expressions of Kindness. The next Day Vice Admiral Lake with a Squadron of Men of War and Transports, having on Board the Remainder of the English and Dutch Auxiliaries went up the River of Lisbon; so that all these Troops did safely arrive there. not one Ship, either of this Squadron, or of the Grand Fleet having miscarried. The English Troops, were these, the Regiment of Horse commanded by Brigadier Harvey, the Royal Regiment of Dragoons: And the Regiments of Foot of the Earl of Portmore, Lieutenant General Stewart, Colonel Stanbope, Earl of Barremore, Colonel Blood, Colonel Brudenell, Lord Mountjoy, and Colonel Doncanfon. Making in all upwards of 8000 Men, besides 4000 of the Dutch Forces: General Officers, &c. of the English, The Duke of Schomberg, Captain General; Earl of Portmore, Lieutenant General; Hugh Winaham, Esq; Major General; William Lloyd, Esq; Daniel Harvey, Esq; Brigadiers. Colonel Fredr. Sibourg, Adjutant General;

Bri-

February. Brigadier Lloyd, Quarter-Master-General; Monsieur le Fevre, Secretary and Judge Advocate.

Spain and Italy both being at present exceeding barren for Matter of History, we'll proceed to Switzerland. We have already mention'd the Letter of M. Puisieux, wherein he desired a General Dyet might meet at Soluthern on the 17th. In Compliance therefore with the Ambassador's Request, the Cantons sent each a Deputy thither, to whom he presented the following Memorial.

*Magnificent Lords!*

Fr. Ambassador's  
Memorial  
to the  
Cantons.  
18.

‘WHEN the Army of the King my Master, entered Germany, you signified to me your Desire, that neither his Majesty's Troops, nor those of the Elector of Bavaria, should take Post, along the Rhine or the Lake of Constance, from Basle to Bregence. Notwithstanding this Demand was contrary to his Majesty's Interest, he yielded to give you that Mark of his Complaisance. Being accusom'd to obtain of his Majesty all the Favours you ask of him, while the Potentates who are most oblig'd to you affect to refuse whatever they think would be acceptable to you, you intimated to me in the Dyet held at Baden the 9th of December last, that the Laudable Helvetick Body desir'd, with all possible earnestness, that his Majesty would grant a Neutrality for a Tract of Country of a League in length, lying along the Rhine and the Lake of Constance. You obtained that Neutrality; yet not content with all this respect shewn to you, you sent a numerous Deputation to me, while the Dyet sat, to desire me in the Name of the Laudable Cantons to use my endeavours to induce his Majesty to grant you the like Favour for the Borders of the Lake of Geneva. I must ingenuously confess, that you know better than I, how far my Master can carry his Complaisance, for his most ancient Allies and Confederates. For the Truth is, When your Deputies applied themselves to me, I willingly took upon me to inform his Majesty of your Request, because I delight in nothing so much as in being employ'd to procure you, as far as I am able, the Satisfaction of your Wishes. But, to speak with my usual freedom, I assure you

‘doubt



doubted at that time whether the King would grant *February.*  
 you a Favour of that Nature, a Favour so prejudicial in short to his real Interest. How am I pleas'd that I made a wrong Conjecture ! And yet I will convince you your selves, that I had just reason to apprehend the Success of the Instances I made to his Majesty on that Subject.

'The Emperor lets slip no Occasion of doing my Master all the Mischief he can. He earnestly and incessantly urges all the Potentates of *Europe*, to take part in the Jealousie, not to say the Hatred, that Goads him on, that constrains him to wage War with her Majesty ; for the Events plainly shew, that Policy does not push him upon such violent Proceedings. You have seen the Emperor espouse the Interest of the late King *William of England*, and combine in his Favour, with most of the Potentates of *Europe*, to hinder King *James* from recovering a Throne that rightfully belong'd to him ; An unhappy Prince, whose Misfortune ought to have rous'd to Arms all those that wear the like August Character, not to add to the Weight of his Calamity, but on the Contrary to make him Triumph over his Enemies, and put him into Possession of his Inheritance. You now see this Emperor of the *Romans*, who pretends to be the first Prince of *Christianity*, make incredible tho' vain Efforts, to wrest from King *Philip V. of Spain*, a Crown so lawfully acquir'd, both by the Rights of Blood, the last Will of his Predecessor, and the unanimous Consent of his People. We have formerly seen those Potentates of *Europe* whom Interest had most divided, shew politeness (if we may be allowed the Word) in the Midst of War, humanity and compassion in the Rage of Battle. The *Imperialists* in these Days make War barbarously and in a Manner unusual among Christians, thereby evidently shewing, the Emperor's Proceedings are the Effect of Passion, rather than of a Desire to maintain his pretended Rights to the *Spanish* Monarchy ; He cannot bear that Monarchy should be possess'd by my Master's Grandson. Meantime, Magnificent Lords, 'tis to preserve the Emperor's Patrimony that you demanded this Neutrality ;

'Strange

February. ' Strange Demand ! The King granted it ; Strange  
 Complaisance !

' An insatiable Ambition and Animosity, have  
 ' made the Duke of *Savoy* always forget, how many  
 ' Ages the Blood of *France* has run in the Veins of the  
 ' Princes of his Family. It seems he would make his  
 ' own Daughters feel the Effects of this Animosity, be-  
 ' cause they have married Two Grandsons of the King  
 ' my Master, and owe their Advancement to those  
 ' Two glorious Alliances. Who can doubt it, Mag-  
 ' nificent Lords, seeing the Duke of *Savoy* is leagu'd  
 ' with a Prince, all whose Efforts tend to dethrone the  
 ' King of *Spain* ?

' The Nearness of Blood, the Treaties between his  
 ' Majesty and the Duke of *Savoy*, Treaties that pre-  
 ' serv'd Peace, Tranquility and Plenty in that Duke's  
 ' Dominions ; so many weighty Motives cannot sway  
 ' him ; they are over-ballanced by the restless Desire  
 ' he has to enlarge his Territories. How has the  
 ' King feign'd Ignorance of the secret Intelligence that  
 ' Prince held with the Enemies of the Two Crowns ?  
 ' With what Reluctance was his Majesty forced at  
 ' length to prevent the Effects of that Correspondence ?  
 ' Even since the Disarming of his Troops, what ad-  
 ' vantagious Offers has he not made him ? And who  
 ' is better inform'd of this than your Magnificent  
 ' Lordships ? Has not the King accepted your Medi-  
 ' ation for procuring a Neutrality for all the Domi-  
 ' nions of the Duke of *Savoy* ? You are Witnesses  
 ' that the Duke refused it, that the good Offices you  
 ' willingly did him in it had not the Success you so  
 ' justly promised your selves ; and that he prefers the  
 ' Hazards of War to certain Quiet. Reflect on this  
 ' and you will acknowledge, that I had Ground to  
 ' fear his Majesty would not hearken to the Instance  
 ' I made to him, for the Preservation of several Ter-  
 ' ritories belonging to the Emperor, and of part of  
 ' those of the Duke of *Savoy*.

' Norwithstanding which, out of Regard to you  
 ' his Majesty freely consents, that a Tract of Coun-  
 ' try extending from *Basil* to *Bregentz*, shall not be  
 ' molested by his Arms : And I have received Orders  
 ' by a Courier, to entrust the *Chablain* and *Fausseguy*  
 ' to the Keeping of the Laudable *Helvetick* Body.

What

What is this, but sacrificing his just Resentments to your Importunity? You are too judicious, to grateful, to overlook the Merit of this Condescension; you may imagine his Majesty foresees all the Consequences of it: Yet he chuses to be wanting to his own Interest, that he may gratifie his Desire of putting his Enemies to Shame, who endeavour by the basest Inlinuations to perswade you, that he designs to surround you on all Sides. And besides, his Majesty would satisfy you thoroughly, that he has no Intention of encreasing his Power, and that he proposes nothing further, than to oblige the Duke of Savoy to agree with him on a firm, durable and sincere Peace: A Peace so becoming Two Princes so closely united by Blood: A Peace that will restore to *Christendom* the Tranquility that has so often been interrupted, and is so earnestly and universally long'd for.

The extraordinary Complaisance his Majesty shews on this Occasion for the Laudable *Helvetic* Body, is a fresh Demonstration to all the World of the peculiar Esteem he has for his dear Friends, Allies and Confederates.

It is not necessary, Magnificent Lords, for me to enlarge at this Time on the sincere Regard his Majesty always had to the *Helvetic* Body: You cannot but be so thoroughly convinced of it by many considerable and solid Effects, that all I could say on that Subject would be a needless Repetition; but I am willing to flatter my self you are perswaded I take a peculiar Pleasure in acquainting you, on the Part of his Majesty, how willing he is to give these new incontestable Proofs of his Affection for the Laudable *Helvetic* Body.

I will venture to say further, Magnificent Lords, that I am sure the King my Master is dear to you; that you repose more Confidence in his sacred Person, than in any other Prince of *Europe*; of this I have unquestionable Proofs. Can there be a plainer, than what happen'd to *Switzerland* after the Battle of *Fridlingen*? What Heats, what Commotions were there in your Country! What Alarms were spread through it! What a Hurry of Warlike Preparations before the Day of that famous Battle!

*February.* Yet no sooner were the King's Troops Victors, but the Militia you had drawn to your Frontiers were ordered to return Home. This Mark of Confidence on your Part, will be eternally engraven on the Heart of his Majesty.

'I renew to you on his part a firm Assurance of the Affection he has hitherto shewn you, promising you, his Neighbourhood shall never be otherwise than advantageous to you, and shall always give you just Grounds of Satisfaction. And if the present State of Affairs will suffer me to make use of the Permission his Majesty has been pleased to grant me to return to Court, I will bring back with me from thence new Marks of his Royal Goodness. For I doubt not, but you will give me Cause to assure the King of your good Dispositions, and the sincere Inclination you have for him. I am, &c.

Proposals  
of France  
to the  
Dyets.

The Assembly having consider'd the Proposals made by the Ambassador of *France* in the forgoing Speech, and which he afterwards explain'd and limited to the following Conditions: 1. That the Cantons lying nearest the *Chablais* and *Faussigny*, should guard those Provinces at the Charge of the King of *France*. 2. That his Majesty's Troops should have free Passage to and from *Italy*. 3. That the Duke of *Savoy* should be allow'd the like Passage for his Troops: And, 4. That the *Swiss*, in Consideration of his Majesty's extraordinary Complaisance, should grant him a new Levy of a certain Number of Men: They resolv'd unanimously to insist upon a Neutrality for *Savoy*. Whereupon M. *de Puisieux* deliver'd the following Memorial to them on the 22d.

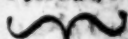
Another  
Memorial  
of the Fr.  
Ambas-  
sador.  
22.

'I Am sorry to see, that the more the King my Master complies with your Desire, the more you affect to make unreasonable Demands: For it seems you set no Value on the new Mark of his Consideration, which he has given, in granting you the Favour you desired of him for the Tract of Country extended along the *Rhine* and the Lake of *Constance*.

'Not



February.



‘Notwithstanding all the King can do to dispel the imaginary Fears you are in of being surrounded by one Potentate, you persist in requiring a Neutrality for all *Savoy*. I cannot help telling you, that I can give you no Hopes on your Demand. When you shall ask any thing that is not prejudicial to the King’s Interest, I shall readily use my best Endeavours to procure you Satisfaction; but when you peremptorily insist on Terms that may expose part of his Majesty’s Dominions to the Mercy of the Enemies, and would have him quit his Advantages in their Favour, all I can do is to send him an Account of your Demands, but without soliciting him in your Behalf, lest I should incur his Majesty’s Displeasure. I am satisfied I have tried all the reasonable Methods possible to take off the Fears you shew of being surrounded. I can do no more at present, but must wait his Majesty’s further Order.

The next Day, the Dyet made a new Deputation to this Ambassador, to signify to him their Wonder and Surprize at the Expressions he had made use of in his Memorial, particularly the Word *Favour*; and to represent to him, That what the Cantons had demanded of his Majesty for the Security of *Switzerland*, was their incontestable Right, stipulated in their Alliances with him, and founded on the Right of Nations. The Deputies having acquitted themselves of this Commission, the Assembly broke up, after they had agreed to wait a few Days for the King of *France*’s Resolution touching the Neutrality of all *Savoy*; and that in the mean time every Canton should consult what further Measures to take, as Occasion might require.

It was not the Dyet alone that seem’d to be nettled with the Memorial last mention’d of the *French* Ambassador, the Envoy of *Savoy* thought the Cause of his Master too much concern’d for him to remain silent, and therefore he thought fit to answer it by the following Letter, address’d to the *Helvetick* Body from *Bern*.

February.

Envoy of  
Savoy's  
Letter to  
the Can-  
tons.

29.

*Most Illustrious and most Puissant Lords!*

**Y**OU well remember, no doubt, that when I had the Honour to inform you, on the Part of his Royal Highness my Master, of the violent, unjust and unheard of Proceeding of the King of *France* against him, I observed to you, that if he treated in such a Manner a Prince so closely united to him by Blood, and to whose Alliance he owes all he is possess'd of in *Italy*; you could not hope to be used more gently, nor doubt he will greedily catch at all Occasions of treating you with his usual Haughtiness and Rigour. I find, with great Grief, that I foresaw but too clearly the Usage you were to expect from him: 'Tis true, he has not yet seized your Troops that are in his Service; he is in too much need of them to support him against the many Enemies his Ambition has drawn upon him; and as he owes his Grandeur to the Intrepidity of your Troops, so he is unable to maintain it without their Assistance. But he takes another Way to bring you into a Necessity of receiving Laws from him: He has resolv'd to endeavour to shut you up in such a Manner, that he may have it in his Power at once to enter your Territories on all Sides, to ravage them, to be absolute Master of your Commerce, to stop the Importation of whatever you are indispensibly obliged to draw from other Countries for your Subsistence, to reduce you to a Necessity of employing your Men in his Service only, and that on such Conditions as he shall please to impose on you; and, finally, to possess himself of all the Passages by which other Potentates of *Europe* might succour you. All these Designs are not only very discernible, but the Marquess *de Puissieux* has discover'd them to you in an imperious Manner; not like an Ambassador of a King who is your Ally, and owes every thing to you, but like the Ministers of *France* with just that Haughtiness they always shew, when they imagine they may venture to do what they please.

The Knowledge I have of the sincere Affection of his Royal Highness my Master for your Laudable Body; my Respect and Veneration for a Republic

lick, that by a Thousand glorious Actions has ac- *February.*  
 quir'd an Universal Esteem; the Marks of Kind-  
 ness with which you have been pleased to honour  
 me, since my Prince sent me to you; all these Con-  
 siderations will not suffer me to observe the Car-  
 riage of *France* towards you, without a deep Con-  
 cern, nor without feeling that Warmth of Resent-  
 ment which such Proceedings ought to kindle in  
 you.

'I will not renew your Trouble, by looking into  
 the past Conduct of *France* towards you, and in-  
 stancing how insupportable it has been: Nor could  
 I be particular on that Subject, without making a  
 Volume. But give me Leave, most Illustrious and  
 most Puissant Lords, to examine so much of their  
 Proceedings as relates to *Savoy*. You know they  
 had done little against that Dutchy when you sol-  
 licited them so earnestly, and for so many Reasons,  
 to agree to a Neutrality for it; at that Time they  
 were Masters but of a very small Part of it, only  
 what was contiguous to *France*, but finding you  
 grew more alarm'd as the Danger you apprehended  
 on all Sides encreased, they reckon'd, that out of a  
 fit Regard to your own Preservation, you would  
 take vigorous Measures to prevent the Mischief  
 that threaten'd you; they therefore resolved to push  
 on, and to be too quick for those Measures, by  
 seizing (while you were making Representations to  
 them) as much of *Savoy* as they could; they ima-  
 gined it would be easier to persuade you, to let  
 them keep that Country when once they had in-  
 vaded it, than to dissuade you from taking Care to  
 defend it, while you should see it in the Hands of  
 its lawful Sovereign.

'The *French* having possess'd themselves of great  
 part of *Savoy*, employ'd all their Cunning to keep  
 what they had usurp'd. Did they not set their  
 Wits at Work, to decry the Conduct of the Two  
 Laudable Cantons of *Bern* and *Friburg*, throughout  
*Switzerland*? Did they not use their utmost Artifice  
 to dissolve the Union and mutual Confidence that  
 are so necessary to be kept up in the *Helvetic* Body,  
 and which as long as they subsist, will render you  
 the Terror of those that think of attacking you;

February. ‘ and gain you the Respect and Esteem of all the rest  
 of Europe ?

‘ Then, finding it was in vain to endeavour to divert the Canton of *Zurich* from entering into the Sentiments of Precaution and Distrust that influenced the Two Laudable Cantons of *Bern* and *Friburg* to take those Measures they thought proper, and that those Three Cantons were determined to come to a plain Understanding with *France* touching the said Neutrality ; then, I say, the Marquess *de Puisieux*, who should have given you a positive Answer long before, and might have given it you the common Way without putting you to needless Trouble, signified to the Laudable Canton of *Zurich*, that he had Orders from the King to desire you to hold a Dyet at *Soluthern*, where he would acquaint you at large with his most Christian Majesty’s Intentions : So all the Deputies of the Laudable *Helvetick* Body were obliged to repair to the Place where the Marquess *de Puisieux* ordinarily resides, that they might learn what those Intentions were : And he who is an Ambassador sent to you, and consequently is under an Obligation of taking the usual Methods of addressing himself to you, made you attend upon him, if I may dare to say so, just as if you were his Dependents.

‘ He might have made some Amends for such a Proceeding, had he granted your Demands at *Soluthern*, and secured your Peace and Tranquility by giving you proper Assurances in relation to your Frontiers : But *France* had no such Intention ; this was inconsistent with their Designs upon your Liberty ; they would not break the Schemes they had laid for its Destruction. ’Tis true, the Marquess *de Puisieux*, in his Speech of the 18th of this Month, assures you of the King’s Affection for you, promises you his Neighbourhood shall always be advantageous to you, and give you just Grounds of Satisfaction ; he very pompously sets forth the Favours which, he pretends, you have received from him ; and thence infers, that you may for the future expect the like : But these are Words only, and yet are Words that, though they have a friendly Sound, still the Repetition of Favour, (which, he

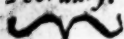


'says, you have received, and will receive from *France*) carries an abusive and provoking Sense. Is such Language to be used to a powerful Nation, without whose Help *France* would, perhaps, be an Object of Pity, not, as they are now, of Terror, in the Eyes of *Europe*? But Experience has instructed you how dangerous it is to be approached by them, and that they have made no other Use of the Neighbourhood they have usurp'd along your Frontiers, than to endeavour to cramp the Freedom of your Resolutions, by several Impressions of Fear, which they have industriously tried to spread among you; and in that very Speech, wherein the Marquess *de Puisieux* assures you so magnificently of his King's Affection, he refuses you the equitable Things you desired of him; and in what manner does he make this Refusal? Truly in such a Manner as ought to excite your Indignation: Because, after he has granted you nothing of what you demanded, he dares undertake to persuade you, that the Offers he makes you are the very Things you demanded of him.

'I will say nothing of the Reservations and Equivocations, by which he eludes giving you entire Satisfaction on the Side of *Germany*; I promise myself, that those who are employ'd by his Imperial Majesty, will make you thoroughly sensible of his Artifice. I will only tell you, that he, knowing the Emperor cannot, because of his Engagements with the Empire and his high Allies, yield to any thing that does but look like a Neutrality, puts such Reservations into all the Declarations he makes touching the Security of the Places situate on the Side of the Lake of *Constance*, as will furnish the *French* with sufficient Pretences to fall upon those Places the first favourable Opportunity; especially if by their Arts they can prevail with part of your Laudable Body to quit the Resolutions they have taken to preserve your Frontiers.

'But let me beg you, most Illustrious and most Puissant Lords, to reflect upon the Proceedings of the Marquess *de Puisieux* in relation to *Savoy*: He says, You demanded as a Favour of his King, the Neutrality of a Tract of Country of a League in Extent

February.



on the Side of the Lake of Geneva; and this, he tells you, was all you desired. What a Condition are they in, who have any Affair to negotiate with France, seeing the Ministers of that Court, without Shame or Scruple, offer to impose upon you in things that were transacted in a publick Assembly, and are fresh in remembrance? Is there a Man in Switzerland who is ignorant that you solicited a Neutrality for all Savoy? But my former Answers to the Marquess de Puissieux's Pieces, shew this is not the first time I have made appear to you, that he can assert his own Fictions to be real and publick Facts.

As for the Offer France makes, to entrust the Chablais and Faucigny to your Keeping, which the Marquess de Puissieux calls a Sacrifice of the King's just Resentments to your Importunity, a Proof of his extream Condescension to you; and sets forth the Merit of it, to incite you to Gratitude; for his most Christian Majesty (he tells you) foresees all the Consequences of it: As for what he proposes on this Subject, I say, the true Designs of France have not escaped your Penetration: You observed immediately, that this Condescension, this Sacrifice, consists only in engaging you to support that Monarch in his Usurpations; and that such Offers, instead of tending to your Security, are directly levell'd against it. In plain Terms, most Illustrious and most Puissant Lords, the King of France, knowing with how much Resolution and Probity you maintain your Engagements, is very sure that if you accept from his Hands the Chablais and Faucigny, and undertake to guard them, you will do all you can to keep those Provinces for him against all those who should pretend to attack them, and consequently would hinder his Royal Highness, your Neighbour, your Friend, and your Ally, from taking Possession of his Patrimony: He knows besides, the guarding those Two Provinces would weaken you, because you would be oblig'd to employ many Forces in defending a Country that has not one Place of Strength in it; and which lies so open to his Arms on all Sides, that you could not hold it out against him longer than he should think fit. But 'twas not to Persons so clear-sighted

'sighted as you, that the Marquess *de Puisieux* should  
'have address'd himself with such Illusions ; 'twas  
'not to a Nation so just as yours that he should have  
'propos'd in the Name of *France*, the Guarding of  
'the Territories of a Prince, whose Breast is fill'd with  
'Esteem and Affection for you, and whose Neigh-  
'bourhood was always agreeable to you, and never  
'gave you any cause of Jealousie.

'After you had consider'd the Marquess *de Puisieux*'s  
'Offer to commit the *Chablais* and *Faussigni* to your  
'keeping, you signified to him, with your accusom'd  
'plainness, how little such Offers conduc'd to the Se-  
'curity of your Liberty, and how short they fell of the  
'Care you thought it became you to take of your own  
'Preservation, and of the Regard you had reason to  
'expect his most Christian Majesty would have had  
'to you, considering the many signal Services you had  
'done him.

'What did the Marquess *de Puisieux*, finding you  
'had discover'd the Snares he had laid, and that all  
'his Artifice was useless ? he was no longer able to re-  
'strain that Spirit of Violence which animates the  
'Court of *France* against their Neighbours ; he gave  
'vent to his Passion, without reflecting that it was an  
'unluckly Juncture of Time, and that he should pro-  
'voke a formidable Nation, that has a great Influence  
'on the Affairs of *Europe*. He presented his Memorial  
'of the 22d of *February*, that Memorial in which he  
'talks to you like a Sovereign ; in which he dares to  
'tell you, that you affect to make *irregular* (or unrea-  
'sonable) Demands, and that you set no Value on his  
'Master's Favours, to you ; in which he Terms your  
'most just and necessary Fears, *imaginary* ; in which  
'he declares that he cannot solicit his King in your  
'behalf, but when you make Demands that are not  
'prejudicial to his Interest ; in which he professes,  
'that he should displease his most Christian Majesty,  
'if he should make any Instance to him to grant your  
'Demands : That Memorial, (once again,) in which,  
'he says, he has tried all the reasonable Methods pos-  
'sible to take off the Fears you shew of being sur-  
'rounded ; and in which he pretends you would ex-  
'pose part of his Master's Dominions to the Mercy of  
'his Enemies.

'Are

February.

‘Are these the good Offices you might have expected from a Minister who has resided so long among you? and who promis’d to Interest himself always in whatever might be advantageous to you; in whatever might contribute to the maintaining of your Peace, and to a good Understanding between his Master and you: These were the Professions he made but Five Days before.

‘Those *irregular* Demands which he says you affect to make, spring only from your Desire to preserve in the Hands of its lawful Prince, almost the only Province that hinders your being wholly surrounded by *France*; to procure the Neutrality of a Country, in whose Conservation you are as much interested as his Royal Highness himself, whom part of the Laudable Cantons are engaged to Succour by their Alliances with him; and for whose Defence, the whole *Helvetick* Body reserv’d to themselves, by the Perpetual Peace made with *France*, a Power of furnishing Troops. The *Favours* the Marquess de *Puisieux* speaks of, and of which, he says, you make no account, consist only of Snares that he had laid to entrap you, and Artifices that he had used to elude the Satisfaction you demanded: As for your fears, he tells you they are *Imaginary*. Does it become him to speak thus of a Nation, that have given so many Proofs of their Wisdom? Is there any thing more natural and more necessary, than the taking of reasonable Precautions, to hinder a Potentate, whose Ambition is generally confess’d by all the World, from satisfying that Ambition at your Cost, when he should be so inclin’d? Have not all People that have any value for their own Welfare, sacrific’d all Things to prevent falling into a Condition like that to which *France* would reduce you? In a Word, Is there any other Means of maintaining Liberty, than taking due Care that no Potentate may make any Attempt against it impunibly?

‘The Marquess de *Puisieux* will not employ his good Offices to procure the Satisfaction of your Demands, but when they shall not be *prejudicial* to the Interest of his King. That Interest is, to reduce you to such a Condition that you may be absolutely at the Disposal of *France*. Whenever your Demands



February.



are against that, you are to hope for nothing from him: Nay his Ambassador tells you he should incur his Displeasure, if he should make any Instance to him in behalf of such Demands. He professes, he has already tried all the reasonable Methods possible to take off the Fears you shew of being surrounded; and that he can do no more. So that, most illustrious and most puissant Lords, you are not to expect to obtain any thing by way of Negociation, that may sufficiently secure your Tranquility. As for his saying, that you would expose part of his King's Dominions to the Mercy of his Enemies, you know his Royal Highness my Master was always dispos'd to give you any reasonable Security, to make it safe for you to engage your Word, that *France* should not be attack'd on the side of *Savoy*.

If *France* presumes to treat you so haughtily, at a Time when they have so heavy a War upon their Hands, what may you not expect from them when they are more at Liberty to act according to their Inclination; especially if you do not take solid and vigorous Measures beforehand to frustrate their Designs?

'Tis evident the King of *France* does not make so much Difficulty to yield to your Demands, for any Advantage he proposes to draw from *Savoy* in the War he has begun upon his Royal Highness; but purely because he will not, (unless he is forced to it,) break the Scheme he has form'd against your Liberty. He proposes to oblige his Royal Highness to exchange *Savoy*: He has frequently attempted to bring about that Design, but to no purpose. He knows, that the only way to compass it, is to render all that belongs to his Royal Highness my Master on this side the *Alps* so useless and of so little advantage to him, that the smallest Territories he should give him, contiguous to *Piedmont*, would be worth more to him than all *Savoy*. In this View, he almost wholly ruin'd that Province in the former War. He is now resolved to lay it utterly desolate. He will demonstrate to my Sovereign, that that Country shall be of no Use to him, whenever there is War between them; and being well assur'd of his Royal Highness's Inclination to keep such good Neigh-

February.

Neighbours as you, Neighbours in whom he has so great Confidence, and whose Interest at this Juncture is almost the same with his own, He will endeavour to render that Neighbourhood useless to him, that he may reckon upon it no longer.

What renders it, yet more visible, that the Aim of France in all this is to surround you, is this : In the former War they had not the *Milanese*, nor was the Elector of *Bavaria* in their Interest, and finding they had it not in their Power to surround you, they were very willing to consent to the Neutrality of *Savoy*; because by that Means their Territories were covered on that side, and they were sensible they should never draw so much Advantage from that Country, as would answer the Charge and Trouble they should be oblig'd to be at to keep Possession of it. That Province is now a greater Charge to them, tho' they cannot reap any essential Advantage from it, beside that of shutting you up. *Montmellian* is in so good a Condition, that they cannot undertake the Siege of it, without employing a considerable Number of their Troops, that are extremely wanted elsewhere, nor without giving his Royal Highness an Opportunity, during that Diversion, to push on the War vigorously in other Parts. While *Montmellian* is in the Hands of my Sovereign, the Blockade of that Place, which is well provided with all Things necessary, will cost them some Thousands of Men; they cannot carry on that Blockade and at the same Time hinder my Master from entering *Savoy* by the Passages he has kept, unless they constantly maintain a very considerable Body of Troops in that Country. The Marquess de *Puisieux* says, That *Savoy* will afford an easie Passage for his Master's Troops to attack *Piemont*. Is it by the Mount *Cenis*? 'Tis known an Army and the Train that must follow it would find it impracticable to march that Way, and that a few Men may defend it against a great Body of Troops. It is by the Valley of *Aosta*? Are there not the same Inconveniences at that Passage? And are not the Forces his Royal Highness has posted there sufficient to defend it against Four Times their Number? And if the *French* would enter *Piemont*, are there not several Passages that lead

'to it from *Dauphine*, all easie and nearer than that  
 'of the Vally of *Aosta*, and that of the Mount *Cenis*?  
 'Have they not Places in the Neighbourhood of *Pie-*  
 'mont? and have not their Armies always pass'd that  
 'Way? No Man that knows that Country, and the  
 'Rout the *French* formerly took to enter *Piemont* can  
 'want to be convinc'd of this. Nor can *France* have a-  
 'ny Design to make use of *Savoy* for sending Troops  
 'into the Dutchy of *Milan*, through *Valais*; for, be-  
 'sides that it is not to be suppos'd the Laudable Re-  
 'gents of that Country will give them Passage, which  
 'would be a direct Breach of their Alliance with his  
 'Royal Highness, the Imperial Troops and those of  
 'my Master were posted in such a Manner, that the  
 '*French* cannot get into the Dutchy of *Milan* through  
 '*Valais* without imminent Danger. From all this,  
 'it evidently results, that the Design of *France* in ob-  
 'stinately keeping Possession of *Savoy*, is to have it in  
 'their Power one Day to give Laws to you. Rather  
 'than relinquish this View, they chuse to run the Ha-  
 'zard not only (if the Success of the High Allies  
 'should be answerable to the Justice of their Cause) of  
 'being shamefully driven out of that Country, but  
 'likewise of seeing their own Territories on that side  
 'expos'd to all the Calamities of War.

'But, most Illustrious and most Powerful Lords,  
 'tho' the Design of the *French* against your Liberty,  
 'makes them covet so earnestly to keep *Savoy*; you  
 'need but resolve they shall not, and they soon will give  
 'over that Project: The present Circumstances of  
 'Affairs will not suffer them to persist in it, after you  
 'have pass'd Resolutions becoming your selves; that  
 'moment they see you take Measures suitable to the  
 'Importance of this great Affair, they will abate of  
 'their Obstinacy and comply with your Demands.

'Be pleased, Most Illustrious and Powerful Lords,  
 'to excuse the length of this Letter. The just Re-  
 'sentment the Conduct of the Marquess of *Puisieux*  
 'has inspir'd me with, has carry'd me so far. I shall  
 'conclude in telling you, as an Answer to what the  
 'Ambassador of *France* presumes to say concerning his  
 'Royal Highness; that as I am ready to confute all  
 'the Facts he may contrive, to shew that my Master  
 'drew upon himself the Violence he has suffer'd, so I  
 'will

February.

will Scorn to answer him any further, as long as he shall only make use of General Terms, which are notoriously contrary to the truth of Publick Facts. I Pray to God, that he will be pleased to continue his Blessings to you, and preserve your Prosperity.

P. Mellaredo,

Proceed-  
ing of the  
Polish  
Confede-  
rate Dyet  
1.

The Mediation of *England* and *Holland* was now accepted by the Emperor, in order to the Appeasing of the Malecontents in *Hungary*; but meeting with little success, we pass again into *Poland*, where the Confederate's Dyet meeting again at *Warsaw*, on the 1st of this Month, the Marshal read the Instructions for the Deputies nominated to attend the Generals, which imported that they should invite them to come to the Congress to Succour their Country and the Liberties thereof. And then they adjourn'd to the 4th, When a Letter was read from the Palatine of *Siradia*, in which he extolled the Resolution of the Confederates, and lamented that his great Age hinder'd him from coming to the Congress. The 5th the Cardinal gave a noble Entertainment to all the Members of the Congress. The 6th a Letter from the Palatinate of *Sandomir* was read, the Substance of it was, that seeing the Instrument of the Confederacy of the Two Palatinates of Great *Poland*, contained nothing contrary to the Roman Catholick Religion, nor to the Authority of King *Augustus II.* the said Palatinate was ready to enter into it; but, for some particular Reason, could not yet send their Deputies to the Congress: That in the mean time they would conform themselves to what should be agreed to by the Commissioners of the Republick, whom they looked upon to be sufficiently empower'd to treat as they should judge best for the Good of the Country. After the reading of this Letter, the Marshal was desir'd by the Assembly, to invite the Palatinates of *Craew*, *Sandomir*, *Lublin*, *Blesk*, *Russia*, and *Volhinia*, to enter into the Confederacy. The 7th the Letter from the Palatine of *Siradia* was agen read over, and also the Answers drawn up to be return'd to it, and to the Letter from the Palatinate of *Sandomir*. Then General *Horn's* Credential Letter was read, being as follows;

Charles,



Charles, *By the Grace of God, King of Sweden, &c.*

February.

*Swedish*  
Ambassadors Credentials to  
the *Polish*  
Dyets. Jan.  
31. 1703.

FORasmuch as we desire nothing more earnestly, than, that (after the Commotions under which Poland has so long labour'd are quieted,) the Safety and Liberty of that Illustrious Republick should be firmly established in Peace; and that the intimate Alliance and Friendship which has constantly been kept up between our Kingdom and that Republick, should by the removal of all Occasions of Discord be renew'd and durably Setled. Being inform'd that a Congress will speedily be held at *Warsaw*, to consult of such Means as may best conduce to that end; and conceiving we may be helpful and serviceable in promoting so good a Work; We have thought fit to send to you, the General and Baron *A. van Horn*, a Person on whose irreproachable Fidelity we dare securely depend, to whom therefore, as also to our Resident *Wachslager* (formerly sent) we have given Instructions, suited to the present Juncture of Affairs; not doubting but his Integrity and Capacity (of which he has given us many solid Proofs, and thereby has gain'd our Affection and Favour,) and the Design of our sending him, will render his coming seasonable, and his Person acceptable to all the most Illustrious Estates of this Kingdom. We therefore intreat you friendly and affectionately, to give a favourable Hearing and full Credit to all he shall say to you in our Name, and particularly to the Assurances he shall give to the Estates of this Illustrious Kingdom of our unfeigned Affection and Esteem for them and this Republick. We beg of God to grant the Noble, Wise, Prudent, &c. Lord, the Cardinal Primate, the Archbishop, Councillors, Estates, &c. of the *Polish* Kingdom, his most holy Protection.

Given at *Heilsberg*, Jan. 31. 1704.

Your Friend and Neighbour

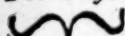
CAROLUS R.

(L. S.)

C. Piper.

This

February.



This done, the Marshal represented how necessary it was for the Confederates to be firmly united, and by his Remonstrances prevail'd with the Assembly to allow the Marshals of each Palatinate to meet at his House the next Day, to draw up an Act or Instrument of a *General Confederacy*, in order, as he pretended, to redress the Calamities of the State. Two Gentlemen, one of *Poznań*, the other of the Territory of *Vielun*, spoke after him, and said, *The Wounds of the State ought to be laid open, and then to be cleans'd and healed.* Then they took the Freedom to utter several hard Expressions against his Majesty and concluded, That seeing the Councils of *Thorn*, *Mariembourg*, and *Zawarow*, had not, by reason of Dissentions, established the publick Safety, they ought now to unite vigorously, if they were come thither with a Design of doing any thing to the Purpose. The Cardinal Primate spoke much to the same Effect, and among other Things said, *He was sure the King of Sweden pretended to nothing but a legal and just Security.* General Horn declar'd to the Commissioners of the Republick, that the King his Master not having acknowledg'd them, he could not treat with them; whereupon they produc'd a Letter of the King of Sweden's, in which they were stil'd the Commissioners of the Republick; to which he only answer'd, That he would write to his Master about it. The Assembly hereupon adjourn'd to the 9th, on which Day nothing extraordinary was done, only the Marshal made a Speech to the Assembly, in which, among other Things, he said, *That when Nature was about to bring forth something Great, she proceeded slowly. And that the Confederates should not be too quick in their Deliberations, seeing they were to please both the Present and the Absent.* Every Body perceiv'd plainly, by the bent of his Discourse, and all the Steps taken by the Congress, that they had absolutely determin'd to Dethrone the King, but some Difficulties lay in their way, which they could not get over till the 14th. On the 13th some Letters, written by Two Persons of the Court, were publicly read in the Assembly, by which, it was pretended, it appear'd that his Majesty had offer'd to treat personally without the Republick, with the King of Sweden. Upon this, and upon other Breaches of the Pacta

Con

*Conventa* imputed to his Majesty, the Congress (consisting, besides the Cardinal-Primate, of the Bishop and Palatine of *Posnania*, the Castellan of *Plosk*, and the Deputies of 7 or 8 Palatinates) desired the Cardinal-Primate, in the Assembly held on the 14th, to assume the Authority vested in him during an *Interregnum*, the Cardinal answer'd, 'That forasmuch as it was certain they could not expect any Good from the King, and that his Dignity of Primate obliged him to uphold the sinking Liberty of his Country, and succour his oppress'd Brethren, he could not refuse to comply with their Request: That he knew not how to manage Things in an *Interregnum*; but that he knew the Confederates would adhere firmly and faithfully to him, and not abandon him, as they did at the last Election: That it was necessary first to put into Form the Resolution they had taken, and then he would send it with his *Universalia* to all the Palatinates; that when they should see which Palatinates approve, and which reject it, they should know who were their Friends, and who Enemies; That General *Horn* had assured him on the part of the King his Master, that as soon as the Congress should have dispatched all their Business, all Contributions, &c. should cease; and that his *Swedish* Majesty would not make any Motions with his Troops, but as they should desire him; That the King of *Poland* expected Succours of *Muscovites*, *Tartars*, *Cossacks*, and others; and that therefore it was necessary for the Confederates to enter into an Alliance with some Potentate. All the said was unanimously approved. The 15th the Instrument of the Confederacy was read over, and in Addition was made, importing, That the *Saxon* Auxiliary Troops should be look'd upon as Enemies of the Country. Then they form'd their last Resolution in the following Terms.

Cardinal-  
Primate's  
Speech.

14.

That whereas the most Serene King *Augustus II.* Duke of *Saxony*, has not observed our Laws and Rights, and has thereby, according to the Tenour of the *Pacta Conventa*, discharged us from our Obedience; we renounce all Obedience to him, and take into our own Hands Distributive and Vindicative Justice; we recall the Senators and Ministers, and will not ad-

Resolution of the  
Confederate Dyets  
to re-nounce  
their Allegiance.

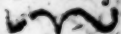
*February* here to him after the Publication of these Presents; but declare those that shall assist him with their Counsels to be Enemies of their Country. We intreat his Eminency the Primate to publish an *Interregnum*, to see that Justice be administred, the Treasury rightly managed, and to appoint a Day for a new Election.

The Deputies of the Palatinate of *Lencizia* approved this Resolution, but propos'd, that the Signing it should be deferr'd till the *Swedes* had evacuated their Territories; then the Cardinal-Primate made another Speech, importing, *That what the Will of God decrees is always accomplished; That the Almighty establishes and deposes Things as He sees good, by the Power of His Arm, &c.* That he was determin'd to see the Resolution of the Congress executed as far as lay in his Power; but first desired to know, whether all the rest were alike determin'd; they all declar'd they were; then he told them, It was necessary to bind themselves by Oath. On the 16th, the following Resolutions pass'd: 1. That a double Formulary of an Oath should be drawn up, one for the Senators and Officers, and the other for the Nobility, and that all who enter into the Confederacy should be oblig'd to take it. 2. That this Oath should be administred in Presence of the Marshals and Deputies of each Palatinate, who should give Certificates to those who take it. 3. That after they had provided for the Security of the Kingdom at Home, they would look Abroad; and that the Marshal should summon the Commissioners of the Republick to assist at the Treayt, the Plan of which should be drawn by such as were ablest, and put into the Marshal's Hands. 4. During the *Interregnum*, his Eminency should convene the *Pospolite Ruzzenie*. 5. The petty Dyets of Lesser Poland drawing nigh, the Act of the General Confederacy should be sign'd in the Presence of the Cardinal, the Marshal and the Deputies, to the End it might be sent to all those Dyets.

The 19th the Congress sign'd the Act of Confederacy, and then proceeded to nominate Four Deputies, to represent to the King of Sweden's Commissioners (*Horn* and *Wachslager*) that seeing the Assembly had finished the Affairs they came about, they desired

Other  
Resolutions of the  
Dyets.  
16.

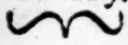




the *Swedish* Troops might be order'd to move off the Lands of the Confederates, that they might raise no more Contributions; and that they, the Commissioners, would declare, when they would begin to treat with the Republick now free. The 20th those Deputies reported to the Assembly, that the Answer given them by the said Commissioners was, That they had dispatch'd an Express about it to the King their Master, and expected his Resolution; whereupon, it was said, one of the Deputies could not forbear saying, That at that rate those *Swedish* Gentlemen were rather Correspondents than Commissioners, seeing they had no Power, and consequently that it would be the best Way to send Deputies from among themselves to his *Swedish* Majesty, for his direct Answer. Then a Letter in *Latin* from the Czar of *Muscovy* was read, in which he declared, That he would assist the King of *Poland* with all his Forces, pursuant to his Alliance; and that, to satisfy all *Europe*, that he would do nothing but what was just, he had thought good to send a Copy of the same Letter to the Courts of the several Princes and States of *Christianity*. The Letter run thus:

BEing inform'd, that a Faction of ill disposed *Polish* Lords, would drive their King from his Throne, and set up another in his Room; we conceive it to be our Duty to interpose, and endeavour to defeat so detestable an Enterprize; First, Because of the eminent Rank we hold in the World; and the Obligation all Christian Princes are under towards God and Man to oppose Violence and Injustice, and to frustrate such pernicious Designs, which break all the Bands of human Society and publick Peace; to the End the Innocent may be protected, and the Rights of Kings preserved inviolate: But much more, because we are indispensibly obliged to observe the Treaty of Peace concluded in 1686. with the King of *Poland*, in which it was expressly stipulated, that there should be a Brotherly Affection and a good Union between us and the King of *Poland*; that we should mutually assist each other in whatever might tend to our common Advantage, and that we should give reciprocal Marks of Generosity, Zeal, and Brotherly

Czar's  
Letter to  
the Con-  
federated  
Nobility  
of Great  
*Poland*, &c

February.  therly Friendship, which being solemnly sworn on both Sides, we are united by an indissoluble Band, which has since been renew'd by a stricter Alliance. We are further obliged to concern our selves in this Affair, because the Fire of War being kindled in a Neighbouring Country, it behoves us to endeavour to prevent the Spreading of the Flames into ours; the more, because we are inform'd, that this ill-designing Faction have not forbore to say, that as soon as they have dethron'd their King, they will join with our Enemies; notwithstanding his *Polish* Majesty, and the Kings his Successors and Dukes of *Lithuania*, as also the Estates Spiritual and Temporal, are engaged by the above-named Treaties, not to attempt any thing against us directly or indirectly, nor to suffer any other Potentate to insult us.

'To the End then, that this Fire, which lies conceal'd under deceitful Ashes, may not break out into a Flame, but be extinguish'd in time; we hold our selves obliged to exert our Rights and good Offices, to prevent the Execution of so abominable a Project, not doubting but all *Europe* will approve our good Intentions: We therefore desire the Republick of *Poland* to weigh this Affair maturely, and to advise those who are meditating so horrid an Attempt, to consider to what great Danger they expose their whole Nation, and to bethink themselves better for their own Honour and the Good of their Country.

'The Things imputed to the King of *Poland*, and that are alledged as Grounds for Dethroning him, are such frivolous Pretences, that those who invented them cannot be look'd upon to be other than Traytors to their King and Country: And all Princes, but particularly those that are obliged to it by Treaties, or other Reasons of State, ought to interest themselves in this Affair, in Defence of his *Polish* Majesty; the rather because most of the Members of the Republick, weighing their Honour and Oath of Fidelity they took to the King, have resolved to sacrifice their Lives and Fortunes in his Service; and besides, his *Polish* Majesty, as Elector of *Saxony*, has still Forces to retrieve all.

‘ And tho’ the *Poles* had some just Cause of Complaint *February.*  
 ‘ as they have not, they ought to consider, that the  
 ‘ wisest Princes do not please all their Subjects alike ;  
 ‘ that the Grievances charged on Princes are often  
 ‘ caused by the private Passions of their Ministers,  
 ‘ and can never be of such dangerous Consequence to  
 ‘ the Republick, as the Measures taken by some of her  
 ‘ Members, those Measures being directly contrary to  
 ‘ all Divine and Human Laws.

‘ We declare our Intention to use our best Endeavours to accommodate the Differences risen between the King of *Poland*, our Brother, Friend and Neighbour, and the adverse Party ; and we are perswaded, that by the Assistance of God, and the Advice of our other Friends and Allies, we shall terminate this Affair to the mutual Satisfaction of both Parties, and to the Advantage of the Kingdom of *Poland*, which will thereby be established in its former Tranquility ; not doubting but those sincere Offers we make will be accepted by both Parties, without the least Distrust : And therefore we demand a positive Answer as soon as may be, that we may know whether our Offers are accepted with the same Zeal and Sincerity with which we make them in the Presence of God to establish Peace and publick Quiet.

‘ Mean time we think fit to give publick Notice by these Presents, that we will not fail to make due Preparation for employing all the Force God has given us, not only to maintain his *Polish* Majesty in the Kingdom he so lawfully possesses, in case the Faction persist in their Obstinacy, but likewise to protect those that are well affected to their King, or who shall in time declare on his Side, and to confer as great Favours upon them as if they had rendered any important Service to our selves. On the contrary we declare, that we will look upon those who shall act against their King and Lord, without desisting from their pernicious Designs, as our Enemies, and that we will pursue them and their Adherents, till all those Disturbers and Enemies of their Country are exemplarily punish’d, or driven out of the Country of *Poland* and the Grand Duchy of *Lithuania*, for the Peace of which Countries we are

February. 'as solicitous as for that of our own Kingdom; to the  
 'end these Vermin may be exterminated, and our  
 'Neighbourhood clear'd of such Miscreants.

'And to the End this Letter may have the greater  
 'Effect, and may come to the Knowledge not only  
 'of the Republick, but of the whole World, that  
 'our sincere Intentions may be known, we have ta-  
 'ken Care to send Copies of it to all Princes and  
 'Potentates, who, like us, wish to see Peace esta-  
 'blish'd in *Poland*; and we have at the same time ex-  
 'horted them to consider this Affair as the Common  
 'Cause, and to enter into a Treaty with us accord-  
 'ingly, &c,

Resolutions of the  
*Senatus  
 Consilium.*

The Confederate Dyet having gone through with the Matters now related, adjourn'd to the 3d of *March*; while the King of *Poland* for his part remaining at *Cracow* during the Congress of the Confederates, summon'd a *Senatus Consilium* to meet there, to oppose their Resolutions, who upon the Reading of several intercepted Letters from Prince *James Sobieski*, the Cardinal-Primate, General *Renschild*, &c. declared unanimously, That the Congress at *Warsaw* being assembled contrary to the ancient Laws of the Kingdom, and to the Resolution of the Dyet at *Lublin*, was utterly illegal, and that therefore all the Members of it ought to be look'd upon as Enemies of the King and Country, and that they were unworthy the Clemency his Majesty had hitherto shewn them; That the Generals and Army of the Crown should be commanded to act in the Defence of his Majesty; and that the Postpolite *Ruzzenie* should be summon'd to mount on Horseback to shew their Fidelity to his Majesty; That the King should make use of all the Auxiliary Troops he could procure; That Alliances should be made with Neighbouring Potentates, particularly with the King of *Denmark*; And, Lastly, That all the Palatinates should be commanded not to receive any *Universalia* from the Cardinal-Primate or the Congress at *Warsaw*. These Resolutions were approved and confirm'd the 21st of *February*.

At the same time the King of *Poland* justly suspecting that the *Swede* and Confederates might have an Eye upon Prince *James Sobieski*, in order to advance him



him to the Throne, he gave secret Orders that he and his Brother *Constantine* should be seized as they went from *Breslaw* within a League of that Place by Thirty Saxon Horse: Colonel *Wrangel*, who commanded the Party, rode up to the Coach with his Pistol cock'd, and told the Princes, He had Orders from the King of *Poland* to seize them: Notwithstanding which Prince *Constantine* fired at him, but miss'd him; whereupon a Saxon Officer demanded loudly who it was that had fired? A Servant of Prince *James*'s answering, It was he; the Officer shot him in the Shoulder, but the Wound was not dangerous: Then the Princes were taken by Force out of the Coach, set on Horse-back and carried off to *Leipsick*, where they were kept Prisoners in the Citadel, but treated suitable to their Quality: And all the Sollicitations and Complaints that have been made at *Rome*, *Vienna*, and other Courts, have not yet prevailed to obtain their Liberty. Some Papers which these Princes had with them in the Coach, were taken from them, and sent to the King of *Poland*; 'twas said Prince *James* offer'd 10000 Ducats to the Leader of the Party that seiz'd him, for Leave to tear one particular Letter; but in vain.

Having no occasion at present to take *France* or the *Netherlands* in our Way to *England*, suppose we should for once cross the *German Ocean*, and pass first into *Scotland*; where we find the *Jacobites* now very insolent, especially in some Places of the North of that Kingdom, and to make the same the more fully to appear, it may not be improper to give the Substance of an Information by the United Presbyteries of *Ross* and *Sutherland* of the 12th Instant, against the Inhabitants of the *Burg* and Parish of *Dingwall*, and others their Associates, to this Effect, viz. The said Presbyteries, upon the Death of the late Episcopal Incumbent of *Dingwall*, appointed (as they are Authoriz'd to do Law) Mr. *William Stuart*, Minister of *Kiltearn*, to supply that Parish the next Lord's Day, which was *January 16*. On the *Saturday* Morning before, Mr. *Stuart* sent a Letter to one of the Bailiffs, or any other of the Town-Council (in the Absence of the Earl of *Cromerty*, their Provost, who being one of her Majesty's principal Secretaries of

*January*  
16.

*February.* State, was at *London*) to acquaint them with the Care the Presbytery had taken of them. The Letter was delivered to Bailiff *Dingwall*, who answered, That he thought Mr. *Stuart* would be as acceptable as any Minister of that sort. Upon this Mr. *Stuart* went on the Lord's Day in the Morning to Bailiff *Dingwall's*, where he seemed to be favourably received ; but Mr. *Stuart* being informed e'er he came to Town, that the Women would oppose him, and perceiving great Numbers of them about the Church, some Hours before the usual Time of Worship, he called for his Landlord, who could not be found ; upon this *Alexander Monro*, of *Killichonan*, a Gentleman of Mr. *Stuart's* own Parish, who came thither to hear him, went from him with a Message to the Magistrates, to tell them, that Mr. *Stuart* would wait upon them when they pleased, and if he found them averse to a Meeting, to desire them, if they had any Regard to the Lord or his Day, to appease the Tumult. Mr. *Monro* was scarce gone with a Message, when a Multitude of Women surrounded the Minister's Chamber with Stones and Clubs, and nailed up his Door, when he civilly desired to know the Reason why they did so ; they answered him with reviling Language, and when he put his Head out at the Window, desiring them to hear him but a few Words, they threw Stones at him, which obliged him to retire from the Window. The Magistrates were all this while in the Town, but went out of it about Eleven of the Clock ; Sir *Donald Bain* of *Tulloch*, the principal Heretor, and his eldest Son, who was Parliament Man for the Town, were also there, with another of the Heretors. Mr. *Monro*, who was returning with an Answer to the Minister, was hindered by the Women ; upon which the Minister hearing that Sir *Robert Monro* of *Foulis*, a Gentleman of great Note in that Country, and others of his own Parishioners, were come to Town to hear him, he called to Sir *Robert*, who was Justice of Peace, to relieve him, and to procure him access to the Church in a peaceable way, according to Law ; both which Sir *Robert* performed, but not without opposition by the Mob, who beat his Servants with Clubs and Sticks, while they removed the Barricado's, &c. from the Church Doors ; tho' Sir *Robert* required them in

Jacobites  
insult Mr.  
*Stuart* at  
*Dingwall*.

in her Majesty's Name to keep the Peace, and not to interrupt the Minister's access to the Church according to Law. The Rabble, however, pursued Sir Robert and the Minister with Stones and Dirt to the Church, and severely beat some People that came afterwards to hear the Sermon.

But the greatest Abuse, and profanation of the Day was as follows: When the Sermon was almost finish'd a Multitude of armed Men followed, with a mixed Multitude of Men and Women, from the adjacent Parishes bewest *Dingwall*, and some of 'em as far as *Kintale*, with Sticks, Forks and Clubs, came in a Body to the Church-yard, which so alarmed the People at Church, that most of 'em went out. Some of the armed Men pressed to get into the Church, but were stopped by some Gentlemen at the Door, till they pretended that they wanted to hear the Sermon; upon which Five of 'em were let in: After this one of 'em got up to the Door of the Pulpit, and presented a Pistol at the Minister, with a Design to shoot him, as he owned himself to Two Gentleman who stopped and disarm'd him: In the mean time the other Four approached the Pulpit with the like barbarous Design; upon which the Minister came down and went out of the Church, the Russians crying to one another to shut the Door, that they might kill him. He happily made his escape to the Church-yard, where his own Parishioners, and others, that came to attend the publick Worship, encompass'd him to defend him, and endeavour'd to go off in Peace, to prevent any further Tumult, but the armed Men and disaffected Rabble encreasing more and more, they forced their Way through the People with many Blows, and catching hold of the Minister, threatned him in a barbarous Manner, till he was again rescued by his Friends with much Difficulty, the brutish Rabble having almost choaked him with his Cloak till he found Means to rid himself of it; they pursued him still to his Horse, and endeavoured to knock him down, but that some Gentlemen of his Parish warded off the Blows and rescued him, when he was almost quite spent.

At the same time the Minister exhorted the People, and Sir Robert Monro commanded them to bear the Fury and Insults of the Rabble with Patience, and to offer

*February.* offer Violence to no Person ; which they readily obeyed, tho' they were barbarously beaten with Sticks and Stones, to the effusion of their Blood ; and several Ladies and Gentlewomen were brutishly assaulted by the rascally Huslies of the Rabble, who threw Stones and Dirt at them, treated 'em with obscene and vile Language, and were so brutish, as to cry out in the Tumult, that the rascally Fellows of their side should beat the Men that came to hear the Sermon, and ravish the Women. Those of *Dingwall* after wards endeavoured all they could to palliate this Matter, tho' with little Effect, for the Facts were true and due Inquisition made by the Government into it ; the Particulars of which we cannot here relate.

*Baillie's*  
Tryal.

Now let us come to the Tryal of Mr. *David Baillie*, for publishing a Defamatory Libel against his Grace the Duke of *Queensberry*, and the Lord Marquess of *Annandale*, in substance as Follows. A Complaint was laid before the Privy-Council by the Lord Advocate, at the Instance of the said Duke and Marquess, That on the 22d of *December* last, Mr. *Baillie* wrote a Letter to his Grace the Duke of *Hamilton*, to the Effect following, That during the last Session of Parliament, the Duke of *Queensberry*, then her Majesty's Commissioners, sent for him, and after professions of Kindness, said he had it from good Hands, that Designs were carried on in the Three Nations to restore the Prince of *Wales*, which he alledged Mr. *Baillie* knew, and therefore intreated him to let him know the whole Matter ; upon which *Baillie* declared his Ignorance, and offered to withdraw ; but the Duke called him back, bid him consider his Kindness, and what he did, and that he offered him his perpetual Friendship, and would not lose him so : That a few Days after, the Duke sent for him again, by Mr. *Stuart*, his Secretary, who going out of the Room, the Duke went to his Cabinet, told *Baillie* he would show him a Rarity ; but after searching some Drawers, seem'd to be in a Surprise, and told him he had left what he looked for with his Wife, but forgot it : Then the Duke called for a Servant, sat down, and would needs have Mr. *Baillie* sit down by him, told him he had a Mind to show him Three Letters, that were carried  
by



by mistake to a wrong Man, and that no doubt the Contents were dangerous. *February.*

Just as the Duke had said so, his Valet de *Chambre* came and whisper'd him, and then the Duke told *Baillie* that the Dutcheſs had let the President of the Session have the Letter, but he alledg'd that *Baillie* knew what was in them, and much more; *Baillie* denied it; and the Duke replied, smiling, Then you know nothing of *Ld. N<sup>o</sup> 3. or 7, or Philothes*? *Baillie* said he did not; and the Duke answered, Then you don't know Duke *Hamilton*, Duke *Arbol*, the Chancellor, Lord *Drummond*, *Belhaven*, *Tarbet* nor *Blantire*, you will say nothing to me, but you see I know very well who are Pensioners to *France* and who not; I know the Duke of *Arbol* and your Convert the Chancellor is among the first now, tho' they have not been so long as your Great Duke *Hamilton*, Lord *Mirshal* and *Belhaven*; I know Duke *Hamilton* has been so these many Years. *Baillie* asserted he knew nothing of that, and believed 'em to be the best Men of the Nation; at which the Duke cried ought mightily, and told a great many wicked Things he pretended to have been done by Duke *Hamilton*. That the Duke of *Q*-----offer'd *Baillie* great Preferments and what Money he pleased, if he would tell the Queen, that the D. of *Hamilton*. And the above-mention'd Lords were Pensioners to *France*, and had a publick Bank and Managers to buy Arms and other Stores for War: That if *Baillie* would undertake this, the Duke would shew him a List of all those he would have brought into the Plot, and would swear to let no Person know but it was a real one and say that *Baillie* had first discovered it, and that he had sent him to the Queen. That *Baillie* rejected the Proposal with abhorrence, and that the Duke having failed in his Attempt, employed it seems the M. of *Annandale* on the same Design, who sent for *Baillie* the Day before the Marquess went for *London*, and said he would not part with *Baillie* till he went with him to let the Queen know how well she was served by the Duke of *Arbol*, who he knew had been with Duke *Hamilton* at *Baillie's* Chamber in Womens Clothes, with all the Lords above-nam'd, and *Ferveswood* and others, Eighteen in all, where they treated of bringing home the Prince of *Wales*, that *Baillie* denied any such

February

such Meeting: Upon which the Marquess said they would understand one another better when they came on *English* Ground, and that *Baillie* must not only own the Meeting but swear it, which would make him for ever, and that he might be an Officer of State, before he left *London*. That *Baillie* having absolutely refused this, the Marquess fell into a Passion and swore he would be revenged; and finding that did not prevail, he coax'd *Baillie* again, but without success: That *Baillie* would never have said any thing of this, tho' nothing could be more provoking, than to be thus treated by People he never had any Converse with, Obligation to, or Dependance upon; had it not been for the Noise of the Plot which made *Baillie* ready to die, with Apprehensions of the Danger that the Duke of *Arbol* and others had fallen into, which perhaps might in some Measure have been prevented, had *Baillie* given Duke *Hamilton* sooner Notice of this, that he might have warned the Duke of *Arbol* of the Designs of his Enemies, which he hoped he would now do without further delay. *Baillie's* Letter of the 8th of *February*, from close Prison, to the Earl of *Eglinton*, Chair-Man of the Committee, was also mention'd as a Part of the Indictment: *Baillie* in that Letter adher'd to what he had written to the Duke of *Hamilton* as Truth. And the Indictment concluded that *Baillie* was guilty, *Art and Part*, of Leasing-Making and defamatory Libelling, and Venting the same, and ought to be punish'd by Arbitrary-Punishment, according to the 4th Act of the present Parliament.

*Baillie's* Advocates made his Defences, in substance as follows. 1. That the Subject of the Complaint being matter of great Importance, and that the Letter, upon which the Complaint was grounded, making mention of a Plot, about which there were several Affidavits and Declarations made at *London* that might tend to clear the Matter; therefore *Baillie* pray'd that the Council would referr the Complaint to the Parliament, or at least deferr it till he could have those Papers from *London*, to make use of in his Defence, and until the Enquiry into the Plot be concluded. 2. The Complaint being principally at the Instance of the Duke of *Queensberry* and Marquess of *Annandale* and

and those noble Lords not being present, Process ought not to be sustained at their Instance, it being the known and uncontroverted Practice, that in all Criminal Actions, Process is not sustained, except the Pursuer be present, because the Defendant might require his Oath of Calumny, if he have just reason to insist in the Action, and might propose Objections against the Indictment, and verifie them by the Pursuers; of which Benefit he was deprived by the Pursuers Absence, and the Lord Advocate had no Interest to pursue by himself, because it was a private Action, as appeared by *Leg. 7. Cod. de injur*, and by Vertue of his Office he could only pursue Actions *ad Vindictam Publicam*. 3. They objected against the Acts of Parliament mentioned, said, the 9th *Act. Parl. 20. Jac. 6.* did no way reach this Case, being only against reproachful Speeches or Writings against *England*, in remembrance of by past Troubles, and the other Acts related to making Lyes of the King to his Subjects slandering another. 4. If the Duke of *Queensberry* and Marquess of *Annandale* spoke those Things to *Baillie* in private of the Duke of *Hamilton*, &c. and if slandering one Subject to another be Leasing-Making, then *Baillie* was obliged by *Act. 209. Parl. 14. Jac. 6.* to reveal it on the same Penalty, so that it was no Crime in him to do so, and the Consequence can deserve no Punishment, according to the Rule of Law, *Ejus vero nulla culpa est cui parere necesse sit, & Leg. 13. Par. 1. de Injur. & famosis Libellis: Is qui publico jure utitur non videtur Injurie faciendae causa hoc facere, Juris enim Executio non habet injuriam.* 5. The Letter could not be a Defamatory Libel, because writ only to Duke *Hamilton* for private Information, as appears from the Beginning of it, and *Baillie* never published or spread it; so that it is evident he had no Design to injure those noble Lords; and all Lawyers say, *Actionem injuriarum nunquam competere, nisi Dolus aut Animus injuriandi adsit, quia non injuria absq; Dolo & Animo injuriandi Committitur*, which can never be said when a Man makes a Discovery only for private Information, and it is a Rule in Law, that *Non factum, sed faciendi Causam inspiciendam*, l. 29. ff de *Furtis*. 6. By the Law of all well govern'd Nations, Informers of Crimes (whether there be

Ground

*February.* Ground for the Information or not, for that depends upon Examination) ought to be encouraged, especially in Things relating to the Publick, and not punished as Slanderers, tho' they cannot prove what they inform; For the greatest Crimes are committed with the greatest Secrecy. If a Man inform of a Conspiracy against the Queen, as in Duty obliged, and would be Guilty of High-Treason if he did not; it were absurd to punish him for a Slanderer, because he cannot prove it; and the like if he informed one Person that another designed to murder him, tho' he could not prove it; for if that were allowed, no Person would hereafter discover any Crime, of which they have not clear probation, and by this Means the greatest Crimes should go undiscovered and unpunished, which by timely discovery might have been prevented.

7. If *Baillie* being called to be the Queen's Evidence, had declared before the Committee all that was contained in the Letter, it would have been no Crime; but so it is, his Letter produced before the Privy-Council was equivalent, as if he had declared it, for in his Letter to the Earl of *Eglinton*, *Baillie* desired it might be presented to the Council, that he might have an Opportunity to own it, therefore he cannot be said to be Guilty of any Crime, the Letter being brought before the Council and made publick by Order of the Committee. 8. It appears that *Baillie* had no Design to Calumniate those Noble Lords, not only from a Letter writ to him by Mr. *Stuart*, the Duke of *Queensberry's* Secretary, ready to be produc'd, and from what the Lord President of the Session owned in a Committee, relating to the Cypher'd Letters, and from other Circumstances, which *Baillie* says he can adduce, but also from his Willingness to take his Oath of Calumny, that he had no Design to Calumniate those Noble Lords; which ought to be admitted according to the best Lawyers who have wrote on that Subject. Particularly *Carpzon. Pract. Nov. Crim. Part 2. Quest. 97. N<sup>o</sup>. 5. 6. & Gail. Lib. 2. Observ. 106.* who says it was so decided in the Imperial Chamber; so that *Baillie* ought to be absolved. The Privy-Council, after hearing the Matter, sentenced M. *Baillie* to stand in the Pillory, and to be banished to the *West-Indies*.

The



The Passage from *Scotland* to *Ireland* being but narrow, we hasten now into that Kingdom, where the Parliament (which we told you in our preceding History was adjourn'd from the 27th of *November* to the 11th Instant) met accordingly. The Commons had a great many material Bills before them, especially that for preventing the farther Growth of Popery; and the Lords now resumed the farther Consideration of the Case of the Earl and Countess of *Meath*, which lay before them last Sessions, and was in Substance as follows:

That the said Earl and Countess, on the 19th of *October*, 1703. preferr'd their Petition; setting forth, That they having exhibited a Bill in the *Chancery* Court of the County Palatine of *Tipperary*, for several Lands in the said County, against *Edward Lord Ward*, *William Ward*, Esq; his Son, then a Minor, by his Guardian the said *Edward Lord Ward*, *John Levet*, Esq; and *Mary*, his Wife: Upon hearing thereof, the said Bill was dismiss'd. That the said Earl and Countess in 1695. appeal'd to that House, where the Cause was fully heard; and thereupon a Decree made in Behalf of the said Earl and Countess; and by Order of that House, they were put into the Possession of the said Lands.

*April* 29. 1699. That *Edward*, now Lord *Dudley* and *Ward*, Grandson of the said *Edward Lord Ward*, and the said *John Levet* and *Mary* his Wife, *Ann* 1698. appealed to the House of Lords in *England*, against the Decree made by that House; to which Appeal the said Earl and Countess pleaded the Decree made here; upon which the House of Lords of *England* declared, That the Proceedings of that House were *Coram non Judice*; and by their Order Possession of the said Lands was given to the said *Edward Lord Dudley* and *Ward*, and *John Levet*.

That since that Time the said Earl and Countess have been out of Possession of the said Premises; whereby they have lost the Rents and Profits of the said Lands above Five Years past; which the said Earl and Countess rather chose to do, than to bring an Original Appeal from the said Decree of Dismission in the County of *Tipperary*, to the House of Lords in *England*; which by the said Order made in *England* they

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Earl of  
Meath's  
Case.  
Octob. 19<sup>th</sup>  
1703.

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they had Liberty to do ; and therefore pray'd to be relieved by this House : This Petition being given in the 19th of October, 1703. and some Debate arising about the Petition and Nature of it ; the 22d of the said Month the Consideration of the said Petition was referr'd to a Committee ; which Committee reported, That the Petition was such, as upon it that House might give Relief ; and then on the 25th of that Month, it was ordered, That this House proceed on the Consideration of the said Petition.

That the Copy of the said Order made in England being proved and read, and it being fully proved, That the said Earl and Countess were, pursuant thereunto, put out of the Possession of the said Lands.

The Irish  
Lords  
Resolves  
upon it.

11.

November 8. 1703. Resolved on the Question, (*Nemine Contradicente*) That the Earl and Countess of Meath, having fully proved the Allegations of their Petition, That this House will give the Petitioners effectual Relief, and assert and vindicate the Honour, Jurisdiction and Privileges of this House.

The case standing in this Manner last Sessions, the Lords now made the following resolves upon it.

Resolved upon the Question, *Nemine Contradicente*, That by the Ancient and known Laws and Statutes of this Kingdom, her Majesty has an undoubted Jurisdiction and Prerogative of judging in this her Majesty's High Court of Parliament in all Appeals and Causes within this her Majesty's Realm of Ireland. Resolved on the Question, *Nemine Contradicente*, That the Determination and Judgments of the High Court of Parliament, are final and conclusive, and cannot be reversed or set a side by any other Court whatsoever.

Resolved, *Nemine Contradicente*, That if any Subject or Resiant within the Kingdom, shall hereafter presume to remove any Cause determined in this High Court of Parliament to any other Court, such Person or Persons shall be deem'd Betrayers of Her Majesty's Prerogative and Jurisdiction, and the undoubted ancient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

Resolved, That if any Subject or Resiant in this Kingdom shall presume to put in execution any Order from any other Court, contrary to the final Judgment and Determination of this High Court of Parliament, such Person or Persons shall be deemed Betrayers of her Majesty's Prerogative and Jurisdiction, and the undoubted ancient Rights and Privileges of this House, and of the Rights and Liberties of the Subjects of this Kingdom.

Resolved, That if any Sheriff, *Seneschal*, *Coroner* or other proper Officer or Minister of Justice, shall refuse, willfully neglect or deferr to obey and execute the Order of this High Court of Parliament, such Person or Persons shall incur the utmost Displeasure of this House.

Resolved, That the Earl and Countess of *Meath* be forthwith put into the actual Possession of the Lands, to which they were decreed by the Order of this House, of the 29th of *October* 1695. and that the Sheriff of the Country of *Tipperary* do put them in possession accordingly.

After this their Lordships made the following Order for putting the Earl and Countess in Possession. 'whereas upon hearing the Complaint of the Right 'Honourable *Edward* Earl of *Meath*, and *Cecilia* 'Countess of *Meath* his Wife, exhibited to this House 'on the 19th of *October* last, it has appeared upon 'full Proof, that they have been illegally dispossessed of 'part of *Rochestown*, &c. the actual possession whereof 'was given them pursuant to an Order of this House, 'Dated 29th of *October* 1695. We, the Lords Spiritual 'and Temporal in Parliament assembled this 12th of '*February* 1703. do order, require and command the 'Sheriff of the said County of *Tipperary* for the Time 'being, forthwith to put the said Earl and Countess 'of *Meath* into the actual, quiet and peaceable Possession of all the aforesaid Lands and Premises, as he 'will answer the contrary at his Peril.

This done; and every thing else being ready for concluding the Sessions, the D. of *Ormond* on the 4th having before received Directions to Prorogue the Parliament, came to the House of Peers with the usual Formalities, and the Commons being sent for, his Grace gave the Royal Assent to the following Acts, which

March.  
Acts pas-  
sed in Ire-  
land.

4.

which being very material, are fit to be inserted here: An Act for continuing the Additional Duty of Excise on Beer, Ale and other Liquors; and for granting an Additional Duty on Tobacco, and several other Goods and Merchandizes; and also a Tax of Four Shillings in the Pound on several Pensions and Grants therein mentioned, and for building of Barracks in the City of *Dublin*. An Act to make it High-Treason in this Kingdom to impeach the Succession of the Crown as limited by several Acts of Parliament. An Act to prevent the further Growth of Popery. An Act to prohibit Butchers from being Graziers, and to redress several Abuses in buying and selling of Cattle, and in the Slaughtering and Packing of Beef, Tallow and Hides. An Act for Registering the Popish Clergy in this Kingdom. An Act for Naturalizing all Protestant Strangers in this Kingdom. An Act for reducing of Interest of Money to Eight *per Cent*. Civil Bills. An Act for quieting Possessions, and disposing the undisposed and *Plus Acres*. An Act for quieting Ecclesiastical Persons in their Possessions. An Act for the Exchange of Glebes belonging to Churches in this Kingdom. An Act for reviving an Act fortaking away the Benefit of Clergy in some Cases, and for transporting Felons. An Act for building several Parish-Churches in more convenient Places. An Act to supply the Defect in an Act passed in the Seventh Year of the late King *William*, entituled, *An Act for the better Regulating of Measures in and throughout this Kingdom*. An Act for continuing Two Acts against Tories, Robbers and Raparees. And to Ten Private Acts.

After which, his Grace made the following Speech to both Houses:

L. Lieutenant's  
Speech.

*My Lords and Gentlemen,*

‘IT is with great Satisfaction that I can at the End of this Session say, That I have perform’d what I promis’d in the Beginning: But the Success of my Endeavours, which you have express’d in your Addresses, must be solely attributed to Her Majesty, whose extraordinary Goodness has given you so many and so good Laws in this Session of Parliament.

‘Her



'Her Majesty has by the Act concerning *Plus Acres* parted with Her own Property to enlarge and secure yours: And by the Acts to prevent the further Growth of Popery, has, as far as in Her lies, established your Religion for the time to come.

'I will not fail to represent to the Queen, That Her faithful Commons of *Ireland*, out of their Zeal to Her Service, and in Return of these Royal Condescensions, have cheerfully given Her Majesty as great a Supply as the present Circumstances of their Condition would permit.

'It were, indeed, to be wish'd, that you, Gentlemen of the House of Commons, could have provided for what is still owing to the Civil and Military Lists; and the rather, because the Arrears (a State of which the Commissioners of the Revenue were ordered by me to lay before you at the Opening of this Parliament) must be applied to make good the Deficiencies of the Current Year, as has been done in former Governments. But I hope our next Meeting will give you an Opportunity of providing for it; and that the Success of Her Majesty's Arms in the mean time, may put you into such Circumstances, as may render it easie to you.

*My Lords and Gentlemen,*

'As I will upon all Occasions faithfully represent to the Queen the true State of this Kingdom, and in the most effectual manner recommend it to Her Majesty for the Continuance of Her Grace and Favour; so I most earnestly recommend to you, that on your Parts, and in your several Countries, you take such Care of the publick Peace, and the Execution of the good Laws already made, that we may all reap the Benefit of Her Majesty's most happy Government.

And then his Grace having Prorogued the Parliament to the 3d of *October* next, and given the necessary Directions for the Government of *Ireland*, and the Lord-Chancellor, and Earls of *Mount-Alexander*, and Lieutenant-General *Erle*, being appointed Lords Justices, his Grace embark'd for *England* about the Middle of the Month, and arrived in good Health

*March.* at London, being met several Miles out of Town by a great Number of Persons of Quality.

Having done at present in *Ireland*, we return to *England*, where the Lords all this while, with great Zeal and unwearied Application, examined into the Particulars of the Conspiracies: And watching at the same time for the Safety of the Kingdom, they thought fit to present an Address to Her Majesty, importing,

Lords Ad-  
dress to  
the Queen  
concern-  
ing the  
Navy.

‘ THAT they were inform’d by a Committee of

2.

their own Body, to whom they refer’d the Consideration of several Papers deliver’d into this House from the Admiralty Office, relating to the present Condition of the Navy, that they had desired his Royal Highness, Prince George of Denmark, Lord High-Admiral of *England*, to cause to be laid before their Lordships an Account in Writing, what Number of Ships fit for Home Service might be got ready and mann’d within Twenty Days: To which the said Committee received in Answer a Paper entitled, *A List of such Ships of Her Majesty’s as are now at Home in Sea-Pay; with an Account which of them are designed for Foreign Service, and what Number of Men they want to make up their allow’d Complements, according to the last Musters.* Whereby it appear’d, that 62 Ships, from the Second to the Sixth Rate, were now designed for the Home Service, which wanted the Number of 3149 Men, to make up their allow’d Complements; and that 31 Ships, from the Second to the Sixth Rate, designed on Foreign Service, wanted the Number of 2332 Men to make up their allow’d Complements, to which was added in the Close of the said Paper, that by the foregoing List it would appear, that several of the Ships were in want of considerable Numbers of Men to make up their Complements; That their Captains had Press-Warrants, with strict Orders to endeavour to get what Men they could; but it was very uncertain by what Time they would be able to get such a Number as would put them into a Condition to proceed to Sea, and for that Reason it was impossible to inform the said Committee how many

of them could be got ready and mann'd for Home-Service in Twenty Days.

Which they having taken into their serious Consideration, and judging it highly necessary, though at present, by reason of the great Want of Men, the allow'd Complements for the whole Number of Ships could not be depended on; yet that there should be a Strength at Sea for the Defence of the Kingdom in this Conjunction, did think it an indispenfible Duty incumbent on them to make this humble Application to Her Majesty, desiring, that She would be pleas'd to give speedy and effectual Orders, that such a Number of Ships proper for the Home-Service might be forthwith got ready and mann'd, as might be competent to provide for the Security of the Nation, and protect the Trade of it, together with a regular Convoy for the Coasters and Colliers; without which they conceived these Matters of so great Importance to the Safety of Her Majesty, and the Peace of the Kingdom, as well as the Naval Stores, and such Ships of War as could not be immediately fitted out to Sea, lay daily expos'd to any Insult from Her Majesty's Enemies.

Her Majesty's Answer to this Address was:

My Lords,

*I Am glad you find no greater a Number of Seamen wanting at this Season of the Year, to compleat the Manning of the Fleet; for which, I hope, such effectual Methods are already taken, that no Service shall be disappointed either Abroad or at Home, which is necessary for the Security and Advantage of the Kingdom, or the Protection and Encouragement of Trade.*

Queen's Answer.

On the 17th, the Committee of Lords appointed to inspect the Affairs of the Navy, Resolved, 'That Vice-Admiral Graydon with a Squadron of Her Majesty's Ships of War under his Command, meeting with Four French Ships in his Passage to the West-Indies, and letting them escape without attacking them, according to his Duty from the Pretence of his Instruction, had been a Prejudice to the

Resolves of the Lords against Admiral Graydon.

March.

Queen's Service, and a great Dishonour to the Nation.

The next Day they resolv'd likewise, First, 'That Admiral *Graydon*'s disorderly Proceedings in pressing of Men in *Jamaica*, and severe Usage of Masters of Merchant-Men, and Transport-Vessels under his Convoy there, had been a great Discouragement to the Inhabitants of that Island, and prejudicial to Her Majesty's Service. And, Secondly, That Admiral *Graydon* having behaved himself so ill in this Expedition to the *West-Indies*, might be employ'd no more in Her Majesty's Service: Which Resolutions were agreed to by the House. This, with some Abuses in Victualling the Navy, and other Things, occasion'd the following long Address to Her Majesty.

Lords Address about *Graydon*, &c.

WE, Your Majesty's most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, most humbly lay before Your Majesty, That we have taken into Consideration a Complaint made by *Charles Hoar*, *Richard Hoar* and *James Hoar*, of great Abuses in Victualling Your Majesty's Navy, which is not perform'd with the strictest Care and Honesty, must be of the most mischievous Consequence to the Lives of many Thousands of the Seamen of this Kingdom: We entered into a full and particular Examination of that Complaint, as followeth.

And it appeared to us, That a Petition was presented by *Charles Hoar* to the Council of his Royal Highness Prince *George* of *Denmark*, Lord High Admiral of *England*, on the 3d of *February*, 1703. complaining of great Abuses and Frauds committed in the Victualling of Her Majesty's Navy, and representing, That without a speedy and strict Inspection, it would be impossible to detect those Abuses, or prevent the dangerous Effects thereof, and therefore praying, that his Royal Highness will please to order an immediate Survey of the Provisions for the Fleet to be made by proper and fitting Persons, who have no Dependance on the Navy or Victualling-Office, and make a Report to his Royal Highness of the State of the Victualling, and that the



the Petitioner may have his Royal Highness's Protection for his Witnesses till heard; a List of whose Names he is ready to deliver, they being daily threatned to be press'd into the Service, in order to stifle this Complaint.

Upon the 8th of February several of Mr. Hoar's Witnesses, on his Petition, were protected by the Prince from being press'd.

Upon which Petition, his Royal Highness gave an Order on the 9th of February, 1703. to Sir Cloudefley Shovel and Sir Richard Haddock, requiring them forthwith to survey the Provisions complain'd of, in which they should be attended by Mr. Hoar, or others he should bring: His Royal Highness also gave an Order to the Lord Marquess of Carmarthen, on the 11th of February following, to assist Sir Cloudefley Shovel and Sir Richard Haddock, in taking the aforesaid Survey.

That the Prince's Council was sensible of the Necessity of an immediate Survey, appears not only from the Tenour of the Prince's Order, but also by their ordering their Solicitor to attend a Justice of Peace in taking the Affidavits of Twenty Evidences for the Queen, of which Justice Rider swore and examined Seventeen on the 10th and 11th of Feb. 1703.

And yet that the Prince's Council knew this Order was not put in Execution is evident, by several Letters that passed between Mr. Hoar and Mr. Burchet, Secretary to the Admiralty, Mr. Hoar insisting, That the Persons he had desired to be present would not attend at the Survey, unless they were empowered by the Admiralty, and Mr. Burchet acquainting Mr. Hoar, that such a Power was not judged either reasonable or proper to be granted.

But the 26th of February following, his Royal Highness gave another more express and peremptory Order to Sir Cloudefley Shovel and Sir Richard Haddock, requiring them to survey the Provisions complained of within Four Days, though Mr. Hoar, or any other, should not attend them.

March.

Which Order likewise the Prince's Council knew was not executed, as appears by a new Order of the 19th of *April* following, directed to the Navy-Board, desiring them to report which of the Members of *Trinity-House* were fittest to be employed in Conjunction with my Lord *Carmarthen*, and others, to survey the Provisions.

And on the 23d of *April* there was another Order, directed to the Lord *Carmarthen*, &c. to take a strict Survey of the Provisions complained of, which Order the Prince's Council knew also was not executed.

For on the 30th of the same *April* they granted the last and most peremptory Order to the Lord *Carmarthen*, and others, requiring them to take a strict Survey of the Provisions complain'd of, without Mr. *Hoar*, if he still should refuse to attend the same, upon which a Survey was accordingly taken in a few Days after.

So that from the Date of the first Order, to the Date of the last and peremptory Order, there was near Three Months.

Upon the whole we are of Opinion, That the Prince's Council, in not commanding an immediate and strict Survey of Her Majesty's Provisions for the Fleet, upon such a Complaint, according to his Royal Highness's Order of the 9th of *February*, 1703. but suffering a known Delay thereof till the 30th of *April* following, gave not only too great Discountenance to a Complaint of that Nature and Consequence, but also near Three Months Opportunity for removing what tainted and stinking Provisions there might be then in the Store-Houses, or so changed the State thereof, that the Frauds and Abuses complain'd of might thereby very easily be covered.

Upon this whole Matter we humbly lay before Your Majesty, That the due Performance of this Service is of that Consequence, that the Discovery of any Miscarriages in the Management of it ought by all Means to be encouraged: And we are humbly of Opinion, That the Pains and Charge that the said *Charles*, *Richard* and *James Hoar* were at in discovering the said Abuses, and desiring a Survey

to

to be taken to justify their Complaints, was such a Service to the Publick, as deserves a Reward and Recompence suitable to the Charge and Trouble they have been at, and Service they have done the Publick.

We do also most humbly lay before Your Majesty, That we have taken into Consideration the Conduct of Vice-Admiral *Graydon*, in not attacking Four *French* Men of War, which he met in his Passage to the *West-Indies*, having at that Time Four of Your Majesty's Men of War under his Command: As likewise several Complaints from the Merchants trading to *Jamaica*, for his disorderly Proceeding in pressing in the Night-time great Numbers of Seamen, and Inhabitants of *Jamaica*, and for his severe Usage of the Masters of some Merchant-Ships and Transport-Vessels under his Convoy, to the great Disturbance of the Inhabitants of the said Island, to the Frightning away many of the Seamen, and consequently the Weakening and Exposing that Country to great and manifest Dangers, and to the Interruption and Discouragement of Trade.

Which said Complaints have been enquired into, and after Examination upon Oath of several of the said Complaints, as also after hearing Vice-Admiral *Graydon*, both by himself and Witnesse, we have judged it proper to come to the following Resolutions, viz.

Resolved, That Vice-Admiral *Graydon*, with a Squadron of Four Ships of War of Her Majesty's under his Command, meeting with Four *French* Ships in his Passage to the *West-Indies*, and letting them escape without attacking them, according to his Duty, from the Pretence of his Instruction, hath been a Prejudice to the Queen's Service, and a great Dishonour to the Nation.

Resolved, That Vice-Admiral *Graydon*'s disorderly Proceeding in pressing Men at *Jamaica*, and his severe Usage of the Masters of Merchant and Transport-Vessels under his Convoy there, hath been a great Discouragement to the Inhabitants of that Island, and prejudicial to Her Majesty's Service.

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March.

‘ Resolved, That Vice-Admiral *Graydon* having behaved himself so ill in his Expedition to the *West-Indies*, is not fit to be employ’d any more in Your Majesty’s Service.

‘ And in Consequence of these Resolutions, we most humbly beseech Your Majesty, that the said Vice-Admiral *Graydon*, having behav’d himself so ill in his Expedition to the *West-Indies*, may not be Employed any more in Your Majesty’s Service.

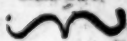
‘ We likewise lay before Your Majesty, that whilst these Matters were under our Examination, it appear’d, That in this Expedition to the *West-Indies*, before the Fleet Arrived in those Parts, the Design they were going about in *Newfoundland* was generally talk’d amongst the Seamen ; and that the Men on Board Two Transport-Ships that were separated from the Fleet, and went to the *Madera’s*, spoke commonly of their going to *Placentia*. And Vice-Admiral *Graydon* informed, That before he received his Instructions, he was himself frequently told that he was going to *Newfoundland*.

‘ The Effects of which Discovery, we humble observe to Your Majesty, proved so Fatal to that Design, that was so Unluckily made use of by the Enemy in their better Defence, that when the Fleet came there, they found all Preparations so sufficiently made for the Security of the Place, that that Attempt was rendred ineffectual ; which otherwise in great probability would have done considerable Damage to the *French*, and must have been attended with great Advantage to the Service of Your Majesty and this Kingdom.

‘ We farther think it our Duty to Represent to Your Majesty, of what Importance the Defence and Preservation of *Jamaica* is to *England* it self by its Situation, as well for Trade, as by the Convenience it affords of Offending Your Majesty’s present Enemies the *French* and *Spaniards*, as it lies in the Center of the most Valuable part of the *West-Indies*, at an easie Distance from the *Spanish* Settlements, and more particularly, is in the Neighbourhood of the *Havana*, which hath been hitherto the Rendezvous of the *Spanish* Galleons and *Flat a’s*.

‘ This





'This Island produces the best Sugar, Indico, Cotten-Wooll, Dying-Wood, &c. and may be yet made more Beneficial to *England*, by being a Staple of our *European* Product and Manufactures, and a Mart for *Negroes* upon a Peace or Friendship with the *Spaniards*, which Advantage is Enjoyed now by the *French*, who do not only furnish the *Spaniards* with all their *Negroes* for Working in their Mines, but almost entirely supply them with all Necessaries from *Europe*, for which they are paid in Pieces of Eight, or other the richest Commodities; which Benefit might Accrue to this Kingdom, in case of a Revolution in *Spain*, but cannot be maintained without the Island of *Jamaica*, there being no other of Your Majesty's Plantations situated so far to the Leeward, and so near to the *Spaniards*, as to afford a convenient Communication with them, and a Means of Protecting them at the same Time against the *French*.

'This Island also affords good Reception for great Numbers of Your Majesty's Men of War, who may be there in a Readiness to Defend this Important Place, and to Annoy the Enemy on all Hands, who have only some open Roads and Harbours, of no great Defence to their Shipping.

'With the Loss of this Island, besides its Natural Product, this Kingdom would also lose the whole Advantage of so Beneficial a Trade as that of the *Spanish West-Indies*, which would fall to the *French* and *Dutch*, who have their Settlements in those Parts.

'Having thus laid before Your Majesty the great Advantage of this Island, We must crave Leave to observe, That in this Place of so great Concernment and Importance to the Trade and Prosperity of this Kingdom, there has been no Chief-Governour since the Death of Colonel *Brewer*, during this War, till within a few Weeks, which we are of Opinion may have been the Occasion of losing several Opportunities of taking Advantages upon the Enemy, as well as of lessening the Discipline amongst the Soldiers. The Authority and Prudence of a Chief-Governour always drawing more Respect, Obedience and De-

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pendance upon him, than is usually observed towards any Officer in an Inferior Command.

‘ We have also received Information from many of the considerable Merchants in this City, Trading to *Jamaica*, of several *French* Men of War to a considerable Number fitted out, and many Transport-Ships with Soldiers on Board them bound for the *West-Indies*, which the said Merchants conceive they have good Ground to believe are designed to attack *Jamaica*, their Correspondents in that Place signifying to them, That the Prisoners from all Parts agree in their Reports, that the Governours in the *French* and *Spanish* Dominions in the *West-Indies*, design to make a powerful Descent on that Island, which at this time is extremely Exposed, for want of Soldiers and Ships of War to protect it.

‘ Whereupon, after due and mature Consideration of the Great and Eminent Advantages of this Island, in respect of its Neighbourhood to the *Spanish* Settlements, which must always be of the greatest Importance to this Kingdom, whether in time of War or Peace, as also of the Natural Product of that Place so highly valuable to Your Majesty’s Subjects here, and how Irreparable the Loss of such a Place would be, if by any Accident such a Fatal Miscarriage might happen, we find our selves under the highest Obligation of Duty to Your Majesty and the Kingdom, to make this our humble Address to Your Majesty, That You will be pleased to take Care, that so Advantageous a Plantation may be Effectually and Seasonably supplied with all Things proper for its Security and Defence, and particularly that the Regiments there may be recruited and kept full; That Instructions be given to the Commanders of Your Majesty’s Ships that Attend on this Plantation, to observe strict Discipline and Order in the Pressing such Seamen, as are absolutely necessary for the use of the Men of War only; Want of due Care in that Service having extremely weakned this Island by the Loss of many of their Seamen, frightening away more, and hindring others from Resorting thither: And that such a Number of Ships of War may be constantly there, or Relieved from time to time, That there may not want a sufficient Strength at Sea to

‘defend Your Majesty’s Own Subjects, and Annoy  
 ‘Your Enemies in those Parts, which will likewise  
 ‘prove of very considerable Advantage to Your Maje-  
 ‘sty’s Service in all Your other Dominions.

‘The Expedition into the *Mediterranean* last Sum-  
 ‘mer, under the Command of Sir *Coudesty Shovell*, had  
 ‘raised so great an Expectation in the World, and  
 ‘concluded with so little Advantage to the Undertak-  
 ‘ing, that we thought it our Duty to enquire into the  
 ‘particular Execution of it, and having seen the In-  
 ‘structions given on that Occasion, and observed the  
 ‘Time the Fleet sailed from hence, we most humbly  
 ‘offer it to Your Majesty.

‘That it is our Opinion, That the Time the Fleet  
 ‘sailed from *England*, being about the Middle of *July*,  
 ‘under the Order Sir *Cloudesty Shovel* had to Return  
 ‘out of the *Streights* within the Month of *September*,  
 ‘made it impossible to Execute the Main Services  
 ‘that appeared before the Committee were required  
 ‘to be performed by his Instructions.

‘And we do humbly Address to Your Majesty,  
 ‘That when ever there shall be a Necessity of sending  
 ‘a Fleet into the *Mediterranean*, the Coast and Trade  
 ‘here may not be left so Naked and Unguarded as it  
 ‘was the last Year.

‘We have judged it necessary to represent at one  
 ‘Time these several Matters to Your Majesty rela-  
 ‘ting to the Maritime Affairs, hoping that it will  
 ‘be approved in Your Own Royal Judgment, that a  
 ‘distinguishing Care may be had of that Part of the  
 ‘Administration, that the Glory of the *English* Na-  
 ‘tion, so renowned in all Times at Sea, may be pre-  
 ‘served in its highest Reputation during Your Maje-  
 ‘sty’s happy Reign; and that the Naval Strength of  
 ‘this Kingdom, in which Your Majesty has a singu-  
 ‘lar Satisfaction, as well as a Security, may be main-  
 ‘tain’d and improv’d by all proper Means, especially  
 ‘by the Encouraging of Seamen, and observing the  
 ‘ancient strict Discipline of the Navy, to the im-  
 ‘mortal Honour of Your Majesty’s Government  
 ‘in the Defence of Your own Kingdoms, and the  
 ‘effectual Restraining the Power of Your Enemies.

‘We

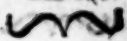
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‘ We likewise represent to Your Majesty the Complaints laid before us from several Masters of Merchant-Vessels, in relation to their having been taken Prisoners by the *French*, with many other Seamen, and detained there a long time under very hard Usage; into which Matter having enquired with all due Care and Consideration, we humbly lay it before Your Majesty, beseeching You to give such Orders for the better Management of the Commission for the Exchange of Prisoners, as Your Majesty shall judge most fit.

‘ That we have been inform’d on the Oaths of several Persons, who have lately been Prisoners in *France*, and who, some of them, purchased their Liberty at great Rates, that several *English* Prisoners there, through long Imprisonment, and the Hardships they underwent therein, put themselves into the *French* King’s Service, and into *French* Privateers, alledging they would rather do so, than die in Prison; and some others had likewise done so, had they not been furnished with Money by one of the Informers, who in near Three Months he was Prisoner at *Dinant*, believes there died there more than 60 Prisoners; and by another of them, that he had an Account, That near 300 died there in Four Months, between the Return of the Transport-Vessels; And by another of them, That in *August* last, when he was Prisoner at *Martinico*, there were between 70 and 80 Ships belonging to Her Majesty’s Subjects that had been taken by the *French*, and about 200 Prisoners.

‘ We have likewise heard the Commissioners for Exchange of Prisoners, who said, They never had any Complaint made to them by any Prisoner, after his Return of bad Usage in *France*, nor did they ever hear that any of them gave Money for his Ransom, but upon Notice given by one of their Agents (who had frequent Orders to Enquire into the Usage of Prisoners) that the *French* did not make sufficient Allowance to their Prisoners, the said Commissioners reduced the Allowance to the *French* Prisoners, from Five Pence to Three Pence *per Diem*, till they were certified from the Prisoners there, that they had their Allowance raised to what it had been here: That they





they constantly once in Three Weeks, after the Return of a Vessel sent for Prisoners, sent another on the same Errand, except after the great Storm in November last, which, with the Privy of a Principal Secretary of State, they forbore to do just at that time, lest Intelligence should be thereby carried of our great Losses of Men and Shipping. They produced the Instructions they gave to, and the Securities they took of the Masters of the Transports they employed, to provide good Vessels, and sufficient Entertainment Abroad, for the *French* and *English* Prisoners, without demanding any thing of them for the same : And their usual Course in the Exchange of Prisoners, was to return Man for Man, and Quality for Quality, and to bring home first the Sick, Wounded and Aged, who could least endure the Hardships of Imprisonment ; then, those that had been longest Prisoners ; in the next Place, those that had been taken in Her Majesty's Ships, and after them, those taken in Merchant-Men ; and in the last Place the Men taken in Privateers. At the Time of this Examination they said, there were few more than Two Hundred of the *English* Prisoners in *France*, who were then sent for, and that there were now more than Two Thousand *French* Prisoners in *England*. They laid their Commission before us, which is from His Royal Highness Prince George of Denmark, Lord High-Admiral of *England*, together with the Instructions given them by His Royal Highness, for their better Government and Conduct in the Execution of the Trust committed to them. And they acquainted us, That upon any Accident that might require farther or more particular Direction, their Course was to make Application to the Cabinet-Council, and the Earl of *Nottingham* Principal Secretary of State.

It appear'd to us, That by the Neglect of the Duty of some of the Masters of the Transport-Vessels, and particularly of one *Gibson*, and contrary to Bonds given, Not to bring over any Passengers but Prisoners, several Persons have been brought over in the said Transport-Vessels out of *France*, who have been found, by the Examination of a Committee of the Lords of this House, to have

March. ' have been concerned and trusted in the Management of the *Scotch* Conspiracy.

Her Majesty's most Gracious Answer to the Representations or Addresses was to this Effect:

My Lords,  
 Queen's Answer. *This Address consists of so many Parts, that I cannot take Notice of them now, but in general. I will consider the several Particulars, and give such Directions as shall be proper for the Safety and Welfare of the Nation.*

Books censured by the Commons 17. In the mean time, the House of Commons having appointed a Committee to examine Two Books, one entituled, *Second Thoughts concerning the Human Soul, as believed to be a spiritual, immortal Substance, united to Human Body, to be a plain Heathenish Invention, and not consonant to the Principles of Philosophy, Reason and Religion*: The other, *The Grand Essay; Or, A Vindication of Reason and Religion against Impostures of Philosophy*: And the Committee having reported such Passages out of those Books as were offensive, the House resolved, That the said Books contain'd divers Doctrines and Positions contrary to the Doctrine of the Church of England, and tending to the Subversion of the Christian Religion; and ordered the said Books to be burnt by the Hands of the common Hangman.

Lords Resolves in relation to the Plot. On the other Hand, the Lords took into Consideration the Report of the Committee appointed to examine into the *Scotch* Plot, and resolved, That it did appear to that House, that there had been a dangerous Conspiracy carried on for the Raising of a Rebellion in *Scotland*, and invading that Kingdom with a *French* Power, in order to the Subverting of Her Majesty's Government, and the bringing in the Pretended Prince of *Wales*; That it was the Opinion of that House, that nothing had given so much Encouragement to that Conspiracy as that the immediate Succession of the Crown of *Scotland*, after Her present Majesty and the Heirs of Her Body, was not declared to be in the Princess *Sophia* and the Heirs of her Body, being Protestants; That the Queen would be pleased to use Her Endeavours to use such Methods

as She should think most proper, to have the Succession of the Crown of *Scotland* declared to be settled on the Princess *Sophia*, and to take such Measures as might most conduce to the Disappointing and Frustrating the Designs of Her Enemies, who were engaged in this Conspiracy against Her Majesty and Government. That Her Majesty be assured, that when Her Endeavours should take Effect for settling the Succession, that House would do all in their Power to promote an *entire Union* between the Two Kingdoms for their mutual Security and Advantage: That the Lords, appointed to take into Consideration the *Scotch* Conspiracy, had discharged the Trust reposed in them, with great Exactness, Care and Fidelity, and that the Thanks of that House should be given them.

The next Day the Lords resolved, That an Address should be made to the Queen to remove Admiral *Graydon* from all Places of Trust in the Government, for impressing Servants in the *West-Indies* on Board his Squadron, to the Ruine and Destruction, and against the Laws of those Islands; and that Her Majesty would be pleased to order Her Attorney-General to prosecute him at Law for the same. On the 24th their Lordships had under Consideration some Matters relating to the Plot, and particularly the Service of Sir *John Maclean*, whom they voted deserving of Her Majesty's Grace, and resolved that their Order of the 22d of *February* last concerning his close Confinement be discharged: This Debate brought in another, which lasted above an Hour, about the Earl of *Nottingham*, as that he had not done his Duty in his Examination of Sir *John Maclean*, when first brought before him, by not asking him all the Questions he ought, for that afterwards he had confess'd other Matters to the Committee of Seven Lords: But upon the Question his Lordship was justified to have done his Duty by the Plurality of Eleven Voices.— They also took into Consideration the Report of the Commissioners of the publick Accounts, in what related to the Earl of *Orford*, as late Treasurer of the Navy, and resolved, That he had made up his Accounts very fairly.

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 25.

On the 25th they sat late upon Mr. *Ferguson's* Narrative of the *Scotch* Plot, and resolved, That Mr. *Ferguson's* Papers, dated the 24th and 27th of *December*, 1703. and by him delivered to the Cabinet-Council, were false, scandalous and seditious, contrived to stifle the Conspiracy, tending to create an ill Opinion in Her Majesty of Her good Subjects, and to promote the Interest of the Pretended Prince of *Wales*. That the not passing the Censure on the Author of the said Papers, nor ordering him to be taken into Custody, or presented for the same, before they were laid before that House, was a great Encouragement to Her Majesty's Enemies, and of dangerous Consequence to Her Government, and Protestant Succession, as established by Law; and ordered, That Mr. *Robert Ferguson* be committed to *Newgate*; that the Attorney-General prosecute him for Treasonable Practices, and give an Account of this Prosecution on the first Week of the next Sessions of Parliament to that House. They also ordered, That Sir *Thomas Stuart* be discharged out of Custody. And upon another Debate resolved, That the Paragraph in the *London Gazette* of the 5th of *May*, 1703. (mentioning Admiral *Graydon's* meeting with *du Casse*, and pursuing his Voyage without fighting) was a Reflection upon the Instructions given by his Royal Highness, the Prince of *Denmark*, and a Justification of Vice-Admiral *Graydon's* scandalous Miscarriage—And that it did not appear to that House, that the Cabinet-Council ordered the said Paragraph to be put into the *Gazette*. The same Day they ordered, That Mrs. *Fox* should be committed to *Newgate*, and prosecuted for High-Treason, she having been at *St. Germain's* to carry on Intrigues in Favour of the Titular Prince of *Wales*.

27.

Two Days after, the Lords resolved and declared, That the House of Commons taking upon them by their Votes to condemn a Judgment of the House of Lords, given in a Cause depending before that House in the last Session of Parliament, upon the Petition of *Thomas Lord Wharton*, and to declare what the Law was in Contradiction to the Proceedings of the House of Lords, was without Precedent, unwarrantable, and an Usurpation of a Judicature, to which



Votes of  
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*Ashby* and  
*White*, &c.

which they had no sort of Pretence. Ordering at the same time, That that Resolution should be forthwith printed and published. Further, the Committee of the Lords appointed to draw up the State of the Case upon the Writ of Error, lately depending in the House of Peers, wherein *Matthew Ashby* was Plaintiff, and *William White* and others, Defendants, having made their Reports, their Lordships resolved, 1. That by the known Laws of this Kingdom, every Freeholder, or other Person having a Right to give his Vote at the Election of Members to serve in Parliament, and being willingly denied, or hindered so to do by the Officer, who ought to receive the same, may maintain an Action in the Queen's Courts against such Officer, to assert his Rights, and recover Damages for the Injury. 2. That the asserting, That a Person having Right to give his Vote at an Election, and being hindered so to do by the Officer, who ought to take the same, is without Remedy for such Wrong by the ordinary Course of Law, is destructive of the Property of the Subjects against the Freedom of Elections, and manifestly tends to encourage Corruption and Partiality in Officers, who are to make Returns to Parliament, and to subject Freeholders, and other Electors, to their Arbitrary Will and Pleasure. 3. That the declaring *Matthew Ashby* guilty of a Breach of Privilege of the House of Commons, for prosecuting an Action against the Constables of *Aylesbury*, for not receiving his Vote at an Election, after he had in the known and proper Methods of Law obtained a Judgment in Parliament for Recovery of his Damages, is an unprecedented Attempt upon the Judicature of Parliament, and is in effect to subject the Law of England to the Votes of the House of Commons. And, 4. That the Detaining Electors from prosecuting Actions in the ordinary Course of Law, where they are deprived of their Right of Voting, and terrifying Attorneys, Solicitors, Counsellors and Serjeants at Law from soliciting, prosecuting and pleading in such Cases, by voting their so doing to be a Breach of the Privilege of the House of Commons, is a manifest Assuming a Power to control the Law, to hinder the Course of Justice, and subject the Pro-

*March.* party of *English* Men, to the Arbitrary Power of the House of Commons.

Now, pursuant to the Resolves of the Lords about *Scotland* before-mentioned, they, on the 31st, presented the following Address to the Queen.

Address of the Lords to the Queen about *Scotland*.  
 ‘WE, Your Majesty’s most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, humbly beg Leave to acquaint Your Majesty, that as soon as all the Papers relating to the Conspiracy in *Scotland* were by Your Majesty’s Command laid before the House, according to our Duty, and with that Zeal which we have always shewn, where the Safety of Your Person, and the Security of Your People may be concern’d: We applied our selves to searce into the Designs of Your Enemies, as well by a careful Perusal and Consideration of the Papers, as by appointing a Committee to examine the Persons who had been taken into Custody upon Account of the Conspiracy, and others from whom it might be reasonably supposed any Light might be gained towards the Discovery; and the Committee, having made a Report to the House, upon mature Deliberation, of the whole Matter, they came to this unanimous Resolution:

‘That it did appear to us, there has been a dangerous Conspiracy carried on for the Raising of Rebellion in *Scotland*, and Invading that Kingdom with a French Power, in order to the Subverting of Your Majesty’s Government both in England and *Scotland*, and the Bringing in the Pretended Prince of Wales.

‘We do also humbly take Leave to offer to Your Majesty as our concurrent Opinion, That nothing has given so much Encouragement to Your Enemies at Home and Abroad to enter into this detestable Conspiracy, as that after Your Majesty, and the Heirs of Your Body, the immediate Succession of the Crown of *Scotland* is not declared to be in the Princess *Sophia*, and the Heirs of Her Body, being Protestants.

Most Gracious Sovereign,

'We being fully convinced of this important *March.*  
'Truth, most humbly beseech Your Majesty, in re-  
'gard to the Safety of Your Own Royal Person, the  
'Quiet of Your Reign, and the present and future  
'Happinefs and Peace of Your People, to use Your  
'Royal Endeavours, by such Methods as Your Ma-  
'jesty in Your Wisdom shall judge most proper, to  
'have the Succession of the Crown of *Scotland* de-  
'clared to be settled upon the Princess *Sophia*, and  
'the Heirs of her Body, being Protestants: And We  
'also humbly beseech Your Majesty to take all other  
'Measures, which may best and most effectually con-  
'duce to the Disappointing and Frustrating the De-  
'signs of Your Enemies, and of such of Your traite-  
'rous Subjects as are engaged with them in this dange-  
'rous Conspiracy against Your Majesty for the utter  
'Subversion of Your Government. And we do most  
'heartily and unanimously assure Your Majesty, That  
'when Your wise Endeavours for the Settling the  
'Succession in *Scotland* shall have taken the desired  
'Effect, We will do all in our Power to promote an  
'entire and compleat Union between the Two King-  
'doms of *England* and *Scotland*, for their mutual Se-  
'curity and Advantage.

Her Majesty's gracious Answer to this Address  
was,

My Lords,

[Have some time since declared My Intentions of Endeavouring the Settlement of the Protestant Succession in *Scotland*, to My Servants of that Kingdom, as the most effectual Means for Securing their Quiet, and our own, and the readiest Way to an entire Union betwixt both Kingdoms, in the Perfecting of which it is very desirable Time should be lost. *Queen's Answer.*]

At the same time their Lordships presented this  
other Address to Her Majesty, about Justices of the  
Peace.

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Address  
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bout Ju-  
stices of  
the Peace.

WE, Your Majesty's most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, having taken into our Consideration the great Alterations that have been of late made in Commissions of the Peace, do most humbly beg Leave to lay before Your Majesty, that it is our Opinion, That no Person that refused to take the Oaths to the late King is fit to be in the Commission of the Peace under Your Majesty: And we do further humbly beseech Your Majesty, That You will be graciously pleased to order the Commissions of the Peace to be review'd, and to give Direction, that no Person or Persons be continued or put into the Commission of the Peace, but Men of Quality and Estates, and of known Affection to Your Majesty's Title and Government, and the Protestant Succession, and the Church of England, as they are both established by Law; and that Your Majesty will be pleased to order, that such be restored who are so qualified, and have been turn'd out without just Cause.

To which Her Majesty return'd this Answer:

Queen's  
Answer.

My Lords,

I Have always thought it reasonable that the Commissions of the Peace should be filled with Gentlemen of the best Quality and Estates of their Country. And it is as fit they should be of known Loyalty and Affection to the Government, to the Protestant Succession, and the Church of England, as established by Law; and I shall give Directions according to this Rule.

Amidst these several Addresses and Representations, the Lords were not all this while unmindful of making a full Reply to the Commons Address to the Queen of the 21st of February, against their Precedings; as also to their Votes of the 29th of the same Month, which they had laid before Her, and therefore making use of the Time, as they thought it most for their Advantage, they likewise on the 30th, presented this notable Representation, or Address, to Her Majesty.

May



May it please Your most Excellent Majesty,

**WE**, the Lords Spiritual and Temporal in Parliament assembled, found our selves obliged (tho' with great Reluctancy) to make an humble Representation to Your Majesty on the 18th of *January* last, of the Injustice done to us by the House of Commons, and it is with the utmost Reluctancy we are brought to give Your Majesty a second Trouble upon the like unhappy Occasion. This appears by our Silence after the Address of the House of Commons presented to Your Majesty the 21st of *February*; for though that Paper be in Effect but one continued Misrepresentation of our Words and our Proceedings, yet we thought our selves secure in Your Majesty's great Judgment, which would discern where the Truth lay through all the Colours made use of to disguise it. And we were willing to hope, that a Moderation, which was so little deserved, could not but have a good Effect upon the House of Commons. But the Votes of the 29th of *February*, which they laid before Your Majesty, have convinced us of our Mistake, and made it impossible for us to flatter our selves longer with any such Expectation: They continue to misrepresent our Proceedings, and to sollicite the Throne against us, and thereby put us upon an absolute Necessity of doing our selves Justice, in laying a true State of Things before Your Majesty. When we observe, that the first Address of the House of Commons was ordered the next Day after we entred upon the Examination of *Boucher*; That on the 3d of *Feb.* when we appointed a Day for taking the Papers relating to the Conspiracy into Consideration, the House of Commons appointed a Committee to draw up the Address against us, presented to Your Majesty on the 21st, which was the Day our Committee reported *Keith's* Examination; and that their Votes of the 29th came from a Committee appointed to consider of the Papers communicated to them, the same Day we made our Address to Your Majesty to issue out a Proclamation for encouraging the Discovery of the Cypher of the Gibberish Letters (though they had made a Complement to Your Majesty on their Reading those Papers, and had laid aside all Thoughts of

Mar. cb.  
Lords Representation against the Commons  
3<sup>l</sup>.

*March.* them for Three Weeks together) we cannot without great Concern reflect upon the Unseasonableness of these Applications; What can be more likely to prevent the Discovery of this dangerous Conspiracy, than a Disagreement among those who should unite their Endeavours in assisting Your Majesty to search to the Bottom of it? What can more encourage Offenders to an obstinate Silence, than the Prospect of having the Examination interrupted by an unhappy Breach between the Two Houses? And what can give greater Security to Your Majesty's Enemies, than to see a Foundation laid for such Disputes, as will for ever put an End to all Parliamentary Enquiries into their Designs? The Gentlemen of the House of Commons have carress'd this Point so far, that rather than suffer us to proceed quietly in searching into the Bottom of this dangerous Conspiracy, they do not only reflect us, but depart from their Pretences of Respect to Your Majesty, and censure Your Conduct in assisting our Examination, as if You had thereby done an Injury to Your Prerogative. We are therefore obliged in Duty to Your Majesty, as well as Justice to our selves, farther to explain the Grounds on which we have acted, and to produce Precedents to shew, we have done nothing unwarranted by the Practice of our Ancestors.

We cannot but observe how the House of Commons have varied ther Style; In their first Address they directly charged the Lords with wresting Prisoners out of Your Majesty's Hands; In their Second Paper, they say only, We seem to Exclude Your Majesty from any Power over the Prisoners; but the Charge is alike unjust in both.

They continue to complain of Two of our Orders, One of which they say was to remove Your Majesty's Prisoners out of Your Custody into our own; And the other, to commit their Examination solely to a Committee of Seven Lords chosen and appointed by our selves.

We know not by whom a Committee of the Lords can be Chosen, but by the House of Lords; nor can there be any thing more Parliamentary, and more proper for the Dispatch and Secrecy of an Examination than Referring it to a Committee.

This

This was Practiced by both Houses of Parliament in the Year 1678. and 1679. nor was it objected to either, that they took the Examinations solely to themselves: Tho' the Committee of the House of Commons was, in the Style of their own Books, a Committee of Secrecy.

The Lords, the Commons, and the Privy-Council had that Plot under Examination at the same Time, yet there were no Interfering of Jurisdictions; the Papers and the Witnesses were Conveyed to one another as there was Occasion, without any Disputes; none of them Stopped or Delayed the Inquiries of anothers, but Concurred in Promoting them.

We might have Expected, that when the House of Commons Charged us a Second Time with Violating Your Royal Prerogative; and the known Laws of the Land, they would have Specified what Branch of the Prerogative we had Infringed, or what Law, Statute or Usage we had Broken; Whenever they think fit to be more Particular in the Charge, we shall be very ready with our Answers.

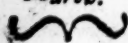
We shall always Contend with the House of Commons in Zeal for Your Majesty's Honour and Safety; But we shall never pretend to be Meritorious in giving up what we know to be the Right of Parliaments: And we are sure Your Majesty Understands and Loves the Constitution of the *English* Government too well, to approve of such a Present: And therefore we must again beg Leave to insist on our former Representation as well founded in every Particular.

We have no cause to be sorry to hear it has been so Universally well Received, since we are sure it cannot but be for Your Majesty's Service, as well as a full Justification of our selves. We were very careful that there should be no Harshness in any Expressions of our Representation; but if they Complain of Reasoning they cannot Answer, or are Uneasie to hear Truths they cannot deny, it is not our Fault.

The House of Commons were certainly in the Right, in not Producing the Precedents which they say they have of ill Language that has passed between the Two Houses, because it could not have been agreeable to Your Majesty.

We

March.



We must own we never searched our Books for that Purpose ; and we believe that if ever the Commons used the like before, our Ancestors thought it unbecoming them to return it ; and we think it most proper to be forgotten.

We cannot think that any Expressions (by whatever Zeal inspired) that are not suitable to the Decency which is due from one House of Parliament to another, can shew a Respect to Your Majesty, or add any Force to their Arguments.

We do not comprehend what is meant by their saying, We did Appropriate to the House of Lords only, the Name of a Parliament. There is no Foundation for that Charge in any Word of our Representation ; Nor was there any Occasion for such an Assertion in the Controversie between us : Both Houses are alike interested in the Point we maintain. We are sure the House of Commons have Claimed and Exercised such a Power of Examination and Commitment as the Lords insist upon ; and we are well assured, That on proper Occasions every future House of Commons will do the like again : So that let the Gentlemen of the present House of Commons be as liberal as they please in Renouncing their own Right, and as much Displeased as they think fit with the House of Lords for not following their Example, we have this Comfort, That Your Majesty is too Equitable to think amiss of us for Defending our Parliamentary Rights, and we are sure of having every House of Commons that shall Sit hereafter of our Side, as well as every *English* Man who Values the Constitution of his Country.

There is no Passage in our History more Notorious, than that the Pretended House of Commons in the Year 1648. when they could not prevail with the House of Lords, then sitting, to joyn with them in the intended Murder of their King, took upon them first to Abolish the House of Lords by a Vote, and then to proceed to do that Execrable Fact by themselves.

It is not therefore to be imagined what the House of Commons can mean, by saying, That Assembly was composed of Members of both Houses. If all other Proof of the Contrary was wanting, yet the Testimony of that Blessed, though Unfortunate King,



is abundantly sufficient who made it one of his Exceptions to that Detestable Court at his Tryal.

We can never call to mind that Fact without Horror, and yet we are obliged by Law to Commemorate it every Year; and surely it can never be mentioned more Usefully than upon such an Occasion, when the strange Usage of one House of Parliament by another, makes it impossible not to Reflect on the miserable Consequences that have formerly followed from such Differences.

When the Gentlemen of the House of Commons Act according to the Measures taken in those Times, they ought not to be offended if they are remembered by the Lords. If they will take upon themselves to stop the issuing out Your Majesty's Writs for Filling up their House, and that in several Places, and for a long Time, whereby they make themselves an Imperfect Representation, which is a Wound to the Constitution, a Wrong to the Boroughs who have a Legal Right to send Representatives, and an injustice to Your Majesty, who has an undoubted Title to the Service and Attendance of all the Members; can they wonder, or ought they to complain, if we presume to tell Your Majesty, That very few Things were less excusable in that Unhappy House of Commons, than their refusing to fill up their Body, and compleat the Representation.

These Beginnings are very dangerous: It is not easie to foresee how far such a Practice may be carried, or what Effects it may have upon the Boroughs that suffer the present wrong, or upon others who may apprehend the like Usage; and who can say, but in aftertimes an ill Prince may take Advantage of such Precedents, and think himself justified in withholding his Writs from some, by as good Law as the Commons can shew for pretending to stop them from issuing to others?

The Commons have made Three Addresses to Your Majesty upon this Occasion, yet have not Stated the matter in Dispute fairly in any one of them. The plain matter of Fact is this; *Boucher, Ogleby, &c.* being seized by the Custom-House Officers on the Coast of *Suffex*, as they landed from *France*, were sent for to be brought to Town by Messengers; the Lords having re-

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resolved to examine these Persons themselves, Order'd the Messengers to bring them to the House, and committed them to the Black-Rod, in order to their Examination. The Question is, Whether this Proceeding of the House of Lords was a Breach of any Law, or contrary to the Custom of Parliament? We asserted it was not, and as we humbly Apprehend, we proved our Assertion, by undeniable Reasons, and we assured Your Majesty we could justify it by Precedents.

It appears by our Records, That we have at all Times, when we thought it Expedient for the publick Good, not only taken Prisoners out of the Custody of Messengers (which is but a Temporary Confinement in order to the Examining Persons, or while they are under Examination) but taken them out of any other Custody, and put them sometimes into the Custody of Your Majesty's Officers attending the House of Peers, sometimes removed them from one Prison to another, as the House thought most Safe and Proper for their Examination.

Persons condemned and under Sentence of Death, may be most properly called the Prisoners of the Crown, when their Lives and Estates, as well as Liberties are entirely at Mercy; yet the House of Lords sent for several in those Circumstances from the farthest Parts of *England* to be Examined.

We could produce Precedents in all Times, when any thing of this Nature has been before the House; the most ancient Records furnishing the clearest and most frequent Instances of the Jurisdiction of the Lords in examining, trying and punishing all great Offenders.

But we shall at present confine our selves to the Proceedings in respect to the Popish Plot, in the Reign of Your Majesty's Royal Uncle, (except in some few Instances in both Houses, as well before as after that Time) not only because that was the last Conspiracy that fell under a Parliamentary Examination; but because both Houses of Parliament entred into the Enquiry with equal Zeal.

And we beg Leave to annex to this our humble Address, some Extracts of the Proceedings of both Houses in that Enquiry,

We

We desire to observe, That though the King mentioned that Plot in his Speech at the Opening of the Session; yet he was so far from communicating the Particulars to the Parliament, or desiring them to look into it, that he directly told them, He would leave that Matter to the Law.

He was not very desirous of having the Parliament meddle with that Enquiry, and therefore 'tis reasonable to suppose, he would not have been silent, if their Proceedings had been a Violation of the Prerogative, and the known Laws of the Land.

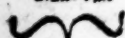
We beg Leave to make this single Remark on such of the Precedents as relate to the Removal of the Popish Priests after Sentence of Condemnation, That this was taken Notice of by the Commons, and several Messages passed between the Two Houses about them: The Commons were earnest that they should be executed, and insisted to have them sent back to the several Prisons for that Purpose; but they never pretended to deny that the Lords had Power to send for them, or change the Custody.

The Commons in their second Address pretend to have been sensibly affected and provoked to their harsh Treatment of the Lords, by what passed in the Lords House the 29th of *January*, which was almost Six Weeks after their Address was presented.

It looks as if they wanted Reasons to justify the Ordering that Address, when they are forced to defend it by Arguments drawn from Facts which happen'd so long after.

If the Commons had consider'd our Address of the 29th of *January*, or 15th of *February*, they would have found in them no Contradictions, or Counter-Orders to Your Majesty, with which they charge us. We were inform'd of several Papers that had not been communicated to us; those we desired, and we received them by Your Majesty's Command; and have, we hope, made use of them for Your Majesty's Service and the publick Safety. We have had the Happiness that our Zeal has been more than once approved by Your Majesty: And we leave the Commons to justify their own Coldness and Indifference in a Point of such high Concern.

March.



If we look back on the Steps the Commons have made in this whole Matter, they are such as will hardly be believed hereafter: And we can desire nothing more for our Justification, than that our Proceedings and theirs may be compared.

When the Papers relating to this Conspiracy were laid before them, they contented themselves with reading them, and without offering any Advice or Assistance, gave Your Majesty Thanks for laying the Papers before them, and expressed their Satisfaction in Your Majesty's wise Conduct and great Care of Your People. This was certainly justly due to Your Majesty's prudent Administration, but was not all that might have been expected from a House of Commons, when Your Majesty had laid before them the Account of such a dangerous Conspiracy.

Thus the Matter rested for several Weeks; and when at last the House of Commons thought fit to take up a second time the Consideration of those Papers, instead of doing what we hoped, and the Kingdom expected from them, all they did was to find new Cause of Displeasure against the Lords, to complain of what Your Majesty had done, to solicit You to reassume the just Exercise of Your Prerogative, and to desire You to stop our Proceedings, as of dangerous Consequence, and what might tend to the Subversion of the Government.

This Conduct seems very unaccountable: And when they had not thought fit to pass any Judgment on the Conspiracy, 'tis hard that the Enquiry into it should be so severely censured.

The Commons confine what we spoke in general Terms of the fatal Consequences that have happen'd in most Countries in Europe, from the unhappy Differences that have arisen between the Estates of the several Kingdoms, to the Instance of one Country: The Observation was general, and the Overthrow of the Liberties of most of our Neighbours sprung from this Root.

But we are surpriz'd, that the House of Commons should single out that Instance of a Revolution in a Neighbouring Country, where the Clergy and the Commons were prevail'd upon by the Management of the Court, to carry their Resentments against the  
Lords



Lords so far, that they delivered up the Authority of the Lords, the Freedom of the People, and made a total Alteration of the Government.

We cannot imagine what is meant by calling this Treachery of the Commons and Clergy, in betraying the Liberties of their Country, their uniting in the publick Defence; nor can we conceive, how this comes to be mentioned on this Occasion: We hope there is no Danger of such Union amongst us for such Purposes; and we think Your Majesty and Your People are equally concerned in this Insinuation.

'Tis wonderful that the Commons should magnifie their own Care in Examining our Journals, reflect on us for not looking into our own Books, and at the same Time cite Two Precedents, in which they are entirely mistaken, and which prove the direct Contrary to what is inferred from them.

The Lords in their Representation affirm, That the Commons by appealing directly to the Throne against the House of Lords, and charging them with Attempts of the highest Nature, without first asking a Conference, had done a Thing unprecedented. The Commons to prove the contrary, cite the Address presented Your Majesty on behalf of the Bishop of Worcester, and the Address of the Lords to the late King on Behalf of Four Lords named in their Address. We crave Leave to state those Two Cases: The Commons had censured the Bishop of Worcester without giving him any Opportunity of being heard. They had voted him Unchristian, which surely is aspersing the Innocent without Possibility of Reparation, as well as it was condemning him without a Trial, and made an Address to Your Majesty to remove him from being Almoner. This Proceeding seem'd very extraordinary with respect to Your Majesty; and very Unparliamentary with respect to the House of Lords, of which the Bishop was a Member; and yet no Notice was taken of them: Upon this the Lords made an Application to Your Majesty on Behalf of the Reverend Prelate, that he might not suffer in Your Majesty's Opinion, before he had an Opportunity of making his Defence.

The

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The Case of the Four Lords was this, The Commons having at the Bar of the House of Lords impeach'd them for High Crimes and Misdemeanors, the next Day made an Address to the late King to Remove them from His Presence and Councils for ever: The House of Lords thought this an Attempt of the Highest Nature upon their Judicature, that while the Causes were depending before them in Parliament, The Commons should quit the Part they had taken of Accusers, and pretend to be the Judges themselves, and Solicite the King to put their Sentence in Execution immediately. But yet they Proceeded to Act with such a Moderation as was scarce to be justified; they forbore Expostulating with the Commons, much less did they Appeal to the Throne against them, they only desired the King not to pass any Censure upon them before they were Tried: they took no Notice that the Commons had made any Address, and only Endeavoured to prevent the Injustice and Oppression which might have been done to their own Members, and the Affront offered to their Judicature, without making the least Reflection on this Proceeding; and they had no other way of Acting, for no Conference could have prevented the Impression that might have been made on the King by such an Application of the Commons.

Besides, in both these Cases the Commons were the Aggressors; they first applied to the Throne, and made it necessary for the Lords to follow them. Thus far these Instances may be of use to shew by what Steps the Commons rose to this Way of Addressing against the House of Lords, they began these Attempts in the Case of particular Lords, which now they put in Practice against the whole Body of the Peers.

The Lords will think themselves concerned in all Times to observe and maintain the Laws and Usage of Parliaments in Impeachments, and this they did with all possible Exactness upon the Occasion of the Impeachments of those Four Lords; but they could not judge it reasonable to let the Accusers share with them in their Judicature. And if the Commons in Times to come shall so far forget themselves, as to endeavour to blast Mens Reputations, by exhibi

ing Articles, when they are not able or prepared to maintain their Charge, the Lords will always look upon themselves as bound to do equal Justice, and discharge the Innocent. Nothing can truly lessen or weaken the Force and Awe of Impeachments, but a partial Use of them: While they continue to be the equal Instruments of publick Justice, they will have their Weight in all Places; but if once they are made use of to defame Men only, without Thoughts of bringing them to Trial, Impeachments will lose their Terror, and the House of Commons will not encrease their Honour or Authority: And if in that Case the House of Lords could not do Justice to the Accused, they would be the only Judicature which had the unhappy Power of Condemning, but not of Acquitting.

The Lords are far from pretending to be the sole Examiners of Conspiracies; hereafter, if the Commons will do their Duty in concerning themselves for the publick Safety; but if they will shew so little Zeal as the Gentlemen of this House of Commons have done; if when they are told of Conspiracies from the Throne, they will concern themselves so little, as to leave the Enquiry to others, the Lords must of Consequence be the sole Enquirers, or else Parliaments must be totally excluded from such Examinations.

The Commons in their second Address complain, That they are accused most unjustly of exciting and earnestly desiring Your Majesty to exert Your Prerogative against the House of Lords. The Words of their first Address are so plain, that no other Construction could be reasonable put upon them, and we are now very sure we did not mistake their Meaning, since in the Votes which they have laid before Your Majesty, they have thought fit to explain themselves, and in direct Terms desire Your Majesty to resume the just Exercise of Your Prerogative, and take to Your self the Examination of the Matters relating to the Conspiracy.

There needs no Wrestling or Straining these Words to justify the Interpretation we made of their first Address, and surely they had forgot what they said in their second, when they came to pass those Votes,

*March.* by which the Sincerity of their Professions, when they pretend to desire that the Remembrance of those unhappy Differences may be blotted out, does best appear. But we are still at a Loss to know what they truly mean by Your Majesty's reassuming Your just Prerogative.

Your Majesty was pleased to lay the Papers relating to the Conspiracy before us, and You have given Your Royal Approbation to the Method in which we had put the Examination: And it seems a strange Averseness to Parliamentary Enquiries, that they would not leave it possible, even with the Concurrence of the Crown, for either House of Parliament to enquire into Conspiracies; tho' at the same time we must freely own, that if this Power be not lodged in us by the Constitution, it ought not, nor, indeed, cannot be given and delegated by the Crown.

*Most Gracious Sovereign,*

We humbly ask Pardon for having detained You so long upon a Subject which cannot but be disagreeable to Your Majesty.

We beg Leave to conclude with expressing the just Sense we have of that vertuous and truly Royal Moderation, which Your Majesty has shewn upon this Occasion, in not suffering Your self to be prevail'd upon, to do any thing to the Prejudice of the Constitution, from whatsoever Hands the Invitation comes. It shall be our daily Prayers to Almighty God, That He will long preserve and prosper Your Majesty for the Good of this Kingdom; and that Your Reign may be as glorious all the World over as it is happy to all Your People.

Her Majesty's most gracious Answer to the Representation, or Address, run thus:

Queen's  
Answer.

My Lords,

*I* Hope none of My Subjects have any Desire to lessen My Prerogative, since I have no Thought of making use of it, but for their Protection and Advantage.

*I* look upon it as a great Misfortune, when any Misunderstandings happen between the Two Houses of Parliament which cannot be without so much Prejudice to the Publick



that I shall never omit any thing in My Power to prevent the Occasions of them.

March.

Their Lordships likewise ordered the following Report from the Lords Committees, appointed to draw up the State of the Case upon a Writ of Error, depending this Sessions before their House, and the Resolutions made by the House the 27th of March, relating thereunto, to be published, which because it very much concerns the Rights of the Free-holders of England, ought not to be omitted in this Place.

THE Plaintiff in this Action declares, That the 26th of December, in the Twelfth Year of King William the Third, a Writ issued out of Chancery, directed to the Sheriff of Bucks, reciting, That the King had ordered a Parliament to be held at Westminster, on the 6th of February following: The Writ commanded the Sheriff to cause to be elected for the County Two Knights, for every City Two Citizens, and for every Borough Two Burgesses; which Writ was delivered to the Sheriff, who made a Precept in Writing, under the Seal of his Office, directed to the Constables of the Borough of Aylesbury, commanding them to cause Two Burgesses of the said Borough to be elected, &c. which Paper was delivered to the Defendants, to whom it did belong to execute the same. By Virtue of which Writ and Precept, the Burgesses of that Borough, being summoned, did assemble before the Defendants to elect Two Burgesses; and they being so assembled, in order to make such Election, the Plaintiff being then a Burgess and Inhabitant of that Borough, being duly qualified to give his Vote at the Election, was there ready, and offered his Vote to the Defendants, for the Choice of Sir Thomas Lee, Bar. and Simon Mayne, Esq; and the Defendants were then required to receive and admit of his Vote. The Defendants being not ignorant of the Premises, but contriving, and fraudulently and maliciously intending to damnify the Plaintiff, and to defeat him out of that his Privilege, did hinder him from giving his Vote, and did refuse to permit him to give his Vote, so that the Two Burgesses were elected without any Vote given by the Plaintiff,

Lords Report about the Case of Ashby against White, &c.  
27.

*March.*

to his Damage, &c. upon not Guilty pleaded, the Cause went down to Trial, and the Verdict was given for the Plaintiff, and Five Pounds Damages, and also Costs.

It was moved in the Court of *King's-Bench* in Arrest of Judgment, That this Action did not lye, and that Point was argued by Council, and afterwards by the Court.

The Lord Chief-Justice *Holt* was of Opinion, That Judgment in this Case ought to be given for the Plaintiff; but Mr. Justice *Powell*, Mr. Justice *Pow*, and Mr. Justice *Gold*, being of a different Opinion, Judgment was entred for the Defendant: Whereupon the Plaintiff brought a Writ of Error in Parliament; and the Cause being argued at the Bar of the House of Lords by Council, and Ten of the Judges, who were present in the House, being heard, and the Matter fully debated by the Lords, the House was of Opinion, That the Judgment given in the *King's-Bench* was erroneous, and that the Plaintiff had a good Cause of Action, and ought to have Judgment.

To maintain this Opinion, these Three Positions were laid down.

I. That the Plaintiff, as a Burgefs of this Borough, had a legal Right to give his Vote for the Election of Parliament Burgeffes.

II. That as a necessary Consequence thereof, and an Incident inseparable to that Right, he must have a Remedy to assert and maintain it.

III. That this is proper Remedy which the Plaintiff hath pursued, being supported by the Grounds and Principles of the ancient Common Law of *England*.

To make good the first Position, That the Plaintiff has a legal Right to give his Vote at the Election of Burgeffes for this Borough, it was said, That it is well known the House of Commons consists of Knights, Citizens and Burgeffes.

The Knights of Shires represent all the Freeholders of the Counties. Anciently every the least Freeholder had as much Right to give his Suffrage as the greatest Owner of Lands in the County. This Right was a Part of his Free-hold, and inherent in his Person.

Person by reason thereof, and to which he had as good a Title as to receive the natural Profits of his Soil. This appears by the Statute of 8 H. 6. Cap. 7. which recites the great Inconvenience which did arise in the Election of Knights of the Shires, by Men that were of small Substance, who pretended to have an equal Right with Knights and Esquires of the same County, therefore that Right was abridged, and confined only to such Free-holders as had Forty Shillings *per Annum*; but thereby it appears, that the Right which a Free-holder hath to vote in the Election for Knights of the Shire, is an original and fundamental Right belonging to him as he is a Free-holder.

The Second and Third sort of Men, which compose the great Representation of the People of *England*, are Citizens and Burgesses, who, though they differ in Name, yet are in Essence and Substance the same, for every City is a Borough, and as such sends Members to Parliament.

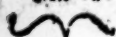
There are Two sorts of Boroughs, the one more ancient, the other more modern.

Of the first sort are the most ancient Towns of *England*, whose Lands are held in Burgage, and by reason thereof had the Right and Privilege annex'd to their Estates of sending Burgesses to Parliament.

The Second sort are those Cities and Boroughs that have a Right by Prescription, Time immemorial, or by Charter within Time of Memory, to chuse Burgesses for the Parliament; both those are upon several Foundations, the one as belonging to their Burgages, the other as belonging to their Corporations; the first is a real Right belonging to their Houses and Lands, the other is a Personal Right belonging to their Body Politick.

As for the first, it is sufficiently described in *Littleton's Tenures*, §§. 162, 163, 164. A Tenure in Burgage is a Tenure in Socage, and is called a Tenure in Burgage, because these are the most ancient Towns in *England*, and from thence came the Burgesses to Parliament, and they who have this Privilege, have it as belonging to their Estates or Possessions.

March.



The other Right of chusing Parliament Burgesses, is not annex'd to any Free-hold, or Estate in Possession, but vested in the Corporation of the Place, and is created in this Manner, *viz.*

When a Town was incorporated, a Grant was either then, or after, made to the Body Politick, that they shall have Two Burgesses of the Parliament, to be chosen either by all the Freemen and Inhabitants of the Place, or such a select Number as is prescribed by the Charter.

The Inheritance of this Privilege is in the whole Corporation aggregate, but the Benefit, Possession and Exercise, is in the Persons of those, who by the Constitutions of those Charters are appointed to elect.

And in all Cases where a Corporation hath such a Privilege, the Members thereof in their private Capacity have the Benefit and Enjoyment thereof, because the Corporation, as such, is not to be represented: For it is not necessary that it should have any Estate, but by being a Corporation they have only a Capacity to have Estates. *Jones 165 Hyward & Rubber.* For as the Citizens and Freemen of a Place are incorporated for the better Government of those of the Place, so is the Privilege of having Burgesses given for the Advantage of the particular Members thereof, whose Estates are to be bound by the Acts of their Representatives.

46 Ed. 3.  
m. 4. dor-  
so, &c.

And therefore the Wages of Citizens and Burgesses were always levied, not upon the Estates or Goods of the Corporation, but upon the Goods and Estates of the Members thereof.

It appears by other Instances, that it is usual and proper for Corporations to have Interests granted to them, which enure to the Advantage of the Members in their private Capacities. *Moore 832. Sir Thomas Waller versus Hanger.* The King granted to the Mayor and Citizens of London, that no Prishage be taken and paid for Wines of the Citizens and Freemen of London. This enures to the Benefit of every Citizen and Freeman of London for his own Wines, in which the Corporation of the City hath no Interest.

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The same Thing appears by the Case of *Waller* and *Spateman*, 1 *Saund.* 343. and by the Case of *Meller* and *Walker*. These Instances make it sufficiently appear, That though the Inheritance of this Franchise be in the Body Corporate, yet it is for the Benefit of the particular Members thereof: And it is certainly a great Advantage for the Men or Inhabitants of a Place to chuse Persons to represent them in Parliament, who thereby will have an Opportunity, and be under an Obligation to represent their Grievances, and advance their Profit.

Of this Opinion have Two Parliaments been, as appears by Two several Acts, the one 34 & 35 H. 8. Cap. 13. the other 25 Car. 2. Cap. 9. The first is an Act for making Knights and Burgeses within the City and County of *Chester*, which begins in this manner, *In humble wise shew to Your Majesty, The Inhabitants of Your Graces County Palatine of Chester, That they being excluded and separated from Your High Court of Parliament to have any Burgeses within the said Court, by reason whereof the Inhabitants have hitherto sustained manifold Losses and Damages, as well in their Lands as Goods and Bodies, Therefore it was enacted, That they should have Knights for the Countrey, and Citizens for the City of Chester: The other Act, which constitutes Knights and Burgeses for the County Palatine and City of Durham, recites, That the Inhabitants thereof hitherto had not that Liberty and Privilege of electing and sending Knights and Burgeses to the High Court of Parliament.*

The Application of these Two Acts is very plain; The first saith, To be excluded from sending Knights and Burgeses to Parliament, is a Damage to Lands, Goods and Body. The other saith, That it is a Liberty and Privilege to send them.

Thus the Right of Election is explain'd, and shew'd to be a legal Right.

That of electing Knights of Shires, belonging to and inherent in the Free-hold.

The other of electing Burgeses is belonging in some Cities and Towns to the real Estates of the Inhabitants; and in others is vested in the Corporation, for the Benefit of the particular Members, who are the Electors; the having of which is a great Benefit and

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Advantage to the People thereof, and will prevent great Loss and Damage that otherwise would ensue.

II. It follows, That in Consequence of this Right or Privilege, the Possessors thereof must have a legal Remedy to assert and maintain it.

It was said, That there are many Rights for which a Man has no Remedy by the Common Law, as in Case of a Legacy given; if it be not paid, the Party cannot bring an Action for it. This is very true, but not applicable to the present Purpose; for the Constitution of the *English* Government has wisely distributed to several Courts the Determination of proper Causes, but has left no Subject, in any Case where he is injured, without his adequate Remedy, if he will go to the right Place for it. If a Man will seek for a Remedy at Common Law for a Legacy, which by our Constitution is to be recover'd in the Ecclesiastical Court, it is his own Fault if he do not recover, as it would be if he should begin a Suit for Land in the Court of Admiralty, or go for Equity to the Common-Pleas.

But there is no such Notion in the Law of *England*, as a Right without Remedy.

He who loses or quits the Remedy, loses the Right: If a Man has a Bond for Payment of One Thousand Pounds, he has no Remedy to recover this Money, but by Action; therefore if he releases all Actions, he loses his Right to the Money, because he has given away the Means to recover it, *Cooke's 6th Rep. 58. Bridgman's Case*. If a Man purchases an Advowson, and at the next Avoidance suffers an Usurpation, and brings not the *Quare Impedit* in time, he hath lost all manner of Remedy, and in Consequence his Right, to which he nor his Heirs can ever be restored.

Would it not look very strange in a Constitution so formed, that the Commons of *England* have an undoubted Share in the Legislative Authority, which is to be exercised by their Representatives chosen by themselves, in which every Free-holder of Forty Shillings *per Annum* hath a Right to vote for the County, every Citizen for a City, and every Burgess for a Borough; that if the Sheriff, or other Officer, who is to cause the Election to be duly made, shall

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hinder or deprive any of those Electors of his Right, the Person injured shall have no Remedy, though the Injury be done to such a Right, upon the Security whereof the Lives, Liberty and Property of all the People of England so much depend.

That the Defendants in this Case by hindring the Plaintiff from voting, have done ill, cannot be denied, because they have excluded one, who has a Right from his Vote. Then if the Law doth not allow an Action to the Party injured, it tolerates the Injury, which is absurd to say is tolerable in any Government.

There was much Weight laid upon the Case of *Ford and Hoskins*, 2 Cro. 388. *Mo.* 842. which is, that where, by the Custom of the Manor, every Tenant for Life might name his Successor for his Life, whom the Lord is to admit; if one be named, and the Lord refuses to admit him, it was held, an Action on the Case would not lie, because the *Nominee* had no Right without being admitted. But the Reason given for that Opinion, shews it has no Relation to this Case, for the Plaintiff's Right of Voting is vested in him, without any previous Admittance; therefore though it should be Law, that no Action will lie for not giving a Right; yet certainly an Action must lie for defrauding and hindring a Man to enjoy a Right that he hath.

When any Statute requires an Act to be done for the Benefit of another, or to forbear the doing of an Act, which may be to his Injury, though no Action be given in express Terms by that Statute for the Omission or Commission, the general Rule of Law in all such Cases is, That the Party injured shall have an Action, *Coke* 10. *Rep.* 75. The Case of the *Marshalsea*, 12. *Rep.* 100. *Co. Mag. Car.* 118. This is a Maxim allowed and approved by all Ages.

There is the same Reason where the Common Law gives a Right, or prohibits doing Wrong: But in this Case an Act of Parliament is not wanting, for the Statute of *West. 1. Cap. 5.* enacts, That Election shall be free; if he who hath a Right to vote be hindered by him, who is to take his Vote, or to manage the Election, that Election is not free, such an Impediment is a manifest Violation of that Statute, as well

*Marb.* as an Injury to the Party whose Vote is refused. This Statute of *West. 1.* shews what Opinion the King and Parliament had of the great Consequence it was to the whole Realm, that People should have their Freedom in Choice; and though the Common Law was the same before, as appears even by the Statute it self, the Words whereof are, *Elections ought to be free*; yet it was judged necessary to add the Sanction of an Act of Parliament thereunto, *The King commandeth upon great Forfeiture, That no Great Man or other, by Force of Arms, or by Malice, or Menaces, shall disturb any to make Free Election.* The Defendants did not by Force of Arms drive the Plaintiff away from the Election, or by Menaces deter him, but they did maliciously hinder him, (so it is charged by the Plaintiff in the Declaration, and it is found by the Jury to be done by Fraud and Malice) and so the Defendants are Offenders within the very Words of the Statute of *West. 1.* Where the Law is so clear to the Right, and the Duty so strictly enjoined by Act of Parliament to be observed, it seems a great Presumption to make it a light Thing.

It being apparent, that the Plaintiff had a Right, and that the Defendants have done him Wrong, and by Consequence of Law must have some Remedy to vindicate his Right, and repair the Wrong.

III. The Third Thing to be shewn is, That the Remedy the Plaintiff pursued by bringing this Action, is the proper Remedy allow'd by the ancient Law of England.

This Act is that which is called in the Law, an Action upon the Case, that is, founded upon the particular Case of the Party injured.

The Law in all Cases of Wrong and Injury hath provided proper and adequate Remedies.

1. When a Man is injured in his Person, by being beaten or wounded, the Law gives him an Action of Trespass, Assault and Battery; if by being imprison'd, an Action of false Imprisonment.

2. If his Goods be taken away, or Trespass done unto his House or Lands, an Action of Trespass lies to repair him in Damages.



3. If a Man hath a Franchise, and is hindred in the Enjoyment thereof, the proper Remedy is by an Action upon the Case.

The Plaintiff in this Case hath a Privilege and a Franchise, and the Defendants have disturbed him in the Enjoyment thereof in the most essential Part, which is his Right of Voting.

4. Where any Officer or Minister of Justice, entrusted with the Execution of the Process of Law, does an Injury, an Action of the Case lies against him. If the Sheriff will not execute a Writ by arresting the Party Defendant, or taking his Goods, the Plaintiff shall have his Action upon the Case, because he refused to do his Duty to the Plaintiff's Damage.

The Precept which the Defendants received from the Sheriff in this Case, was founded upon the King's Writ, and the Defendants are commanded to cause Two Burgeses to be elected for the Borough of *Wickbury*, of which they are to give Notice, and to admit every one that hath a Vote to make use of it; if they refuse any Man to vote, who hath a Right, they act contrary to the Duty of their Office.

It was Objected, That it did not appear that the Persons for whom the Plaintiff Voted were Elected, nor that they would have been elected if his Vote had been Admitted.

The Answer is, That it is not material whether the Person, for whom the Plaintiff voted, was chosen or would have been chosen, if his Vote had been taken; his Right and Privilege is to give his Suffrage, to be a Party in the Election, if he be Excluded from it, he is wronged, though the Persons for whom he would have given his Vote were Elected.

The Right of Actions must Accrue upon the Refusal of the Vote, and is never to be made better or worse by the Return, which is a Matter *ex post facto*.

It was said in the Arguing this Case, That the Plaintiff had no Damage done to him as would support an Action.

The Answer to that is, That the Law will never imagine any such thing as *Injuria sine Damno*. Every Injury imports Damage in the Nature of it. If a Man Pick a Lock, and come into an House without the

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consent of the Owner, perhaps there is no Pecuniary Damage done to the Value of a Farthing, yet the Owner shall have an Action against him, and recover Damages for the Invasion of his Possession and Property. There are many Cases in the same Nature, which have been determined upon this Ground. In the Case between *Turner and Starling*, 24 Car. 2. in *Bom. Ban.* and afterwards in *Ban. Reg.* The Plaintiff *Turner*, amongst others, stood to be one of the Bridge-Masters at *London-Bridge*, which Officer is to be Elected by a Common-Hall of the City of *London*: The Question was, Who had the greatest Number of Voices? The Plaintiff demanded the Poll; and the Defendant, being then Lord Mayor of *London*, refused it: It was adjudged, that the Action was Maintainable for refusing the Poll; because every Candidate has a Right to have it; and tho' perhaps if the Poll had been granted to the Plaintiff in that Action, it might have been against him, yet the Denial of that Right was a good Ground of Action.

Upon the same Reason, the Case 29 E. 3. 81. was determined; and also the Case of *Hunt and Dorman*, 2 Cr. 478. 2 Rolls 21.

It is Apparent by what has been said, That the Plaintiff in this present Case hath been Injured, in being denied his right; and no good reason can be assigned that so affects this Case, as to make it differ from other Cases; though to that purpose several Matters were urged and insisted upon. As first that this would be the Occasion of many Actions.


If that be so, there is the greater reason to Support this Action, to punish the many Wrongs, that have been done, which will prevent any more of the like Nature. If Offences multiply, Remedies against them ought to be advanced. If other Officers of Boroughs have been, or shall be Guilty of the like Misdemeanours as these Defendants have been, it is fit they should be liable, as these Defendants are, to make Satisfaction. If one Man be beat and imprisoned, is it any objection against his having an Action, because all others who shall be as evilly treated as he hath been, shall have the like Remedies? The only Means to hinder Corruptions that will soon become frequent among those Officers of Boroughs and Corporations, is, To

let them see that they are obnoxious to the Law, and that their Purfes must make Satisfaction to all whom they shall injure in this manner. It's true, If one Act which tends to the Injury of many Persons, be Committed; no one Person Injured shall be allowed to have an Action, because the Rest might have the same. Co. 5. Rep. 72. *Williams's Case*, 3 Cr. 664. *Fineux ver' Hovenden*. The Case of not saying Divine Service in a Chappel of a Mannor to the Lord and Tenants; or for stopping of a Lane or Common-way, because the Defendant for one Act would have a multitude of Suits against him, the Injury alike affecting a Multitude: But the refusal of every Vote is a distinct Act: The Party grieved, whose Vote was denied, can only bring an Action for the Refusal; the others whose Votes were admitted, are not concerned. And if an Officer denies an Hundred who have a Right, these are an Hundred several Wrongs, for which he ought to be liable to as many several Actions. As if a Man will make it his business to sling Stones, and shall hit a Hundred several Men, he must make Satisfaction to them all: But surely this is so far from being an Objection, that it is a strong Argument to support the Actions: For if the Mayor or Bailiff of a Borough shall have liberty to refuse Men who have Votes, he can easily make a Majority to Vote on his side, and then, What will become of Elections? The Officer will Return him that is Elected by a Majority of his own making, by Excluding the Votes of others that have Right.

This would encourage Officers to be partial and corrupt, and to Return divers Persons to be elected in that manner, who at least must have Possession of Seats in the House of Commons, for some time, and give Voices in the making of Laws, and imposing of Taxes, until the Right of Election be determined.

And tho' upon hearing the Cause in the House of Commons, this Matter may be set right at last, yet, what can compensate for the Mischief that may be done to the Kingdom in the mean time, by the Votes of those who shall be partially returned, and are not the Representatives of the People of the Place who are to chuse them?

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 Besides, the forementioned Rule against Multiplying Actions is confined to such Acts where there is another Remedy to be had; but where there is no other Remedy but an Action, the Wrong does must answer to so many several Actions as there are Persons injured. Suppose a Man will Plough up the Ground in which a Hundred Persons have a Common, he must answer all their Actions. If the Inhabitants of a Town have a Common Watering place, and a Stranger stops the Current, whereby the Water is diverted, every Inhabitant shall have his Action, because there is no other remedy.

The injured Plaintiff in this case has no other remedy besides this Action; no Indictment lies, because it is a personal wrong to the Party, and no Wrong to the Publick, but only in the Consequence of it, as an evil Example, which tends to the Encouragement of other such Officers to commit the like Transgressions. Nor is there any danger to an honest Officer, that means to do his Duty; for where there is a real Doubt touching the Parties right of Voting, and the Officer makes use of the best Means to be informed; and it is plain, his Mistake arose from the Difficulty of the Case, and not from any malicious or partial Design, no Jury will find an Officer Guilty in such a Case, nor can any Court direct them to do it; for it is the Fraud and the Malice that Intitles the Party to the Action: In this Case, the Defendants knew the Plaintiff to be a Burgess, and yet Fraudulently and Maliciously hindred him from his right of Voting; and Justice must require that such an obstinate and unjust Ministerial Officer should not escape with Impunity.

That the Officer is only Ministerial in this Case, and not a Judge, nor acting in a Judicial Capacity, is most plain; his Business is only to execute the Precept, to Assemble the Electors to make the Election, by receiving their Votes, computing their Numbers, declaring the Election, and returning the Persons elected: The Sheriff, or other Officer of a Borough, is put to no Difficulty in this Case, but what is absolutely necessary in all Cases. If an Execution be against a Man's Goods, the Sheriff must at his peril take notice what Goods a Man has.



Another Objection was made in respect to the Novelty of the Action ; it was said, Never any such Action was brought.

In Answer to this Objection, it may be said, That probably there have not been many Occasions given for bringing such suits. It is to be hoped, that very few have ever been so presumptuous, as to dare to make an Obstinate Malicious Refusal of an Undisputed Vote. If the Case has hapned before, perhaps the Party, out of Consideration that only small Damages were to be expected, might be discouraged, and think it better to Acquiesce. And it is probable, the Ill-Designing Officer would be at least so cautious, as to refuse the Votes of such Persons only, as he thought, by reason of the Meanness of their Circumstances, were unable to vindicate their Right. It is not every one that has such a true *English* Spirit as the Plaintiff, who could not sit down meanly under a Wrong done to him in one of the most valuable Privileges of an *English* Man. It is not the Novelty of the Action that can be urged against it, if it can be supported by the old Grounds and Principles of Law : The Ground of Law is Plain, certain, and indeed Universal, that where any Man is injured in his Right, by being either hindered in, or deprived of the Enjoyment thereof, the Law gives him an Action to repair himself.

The Case of *Hunt and Dowman*, which was, 16 Jac. 1. *Ann. Dom.* 1618. of an Action by the Landlord against the Tenant, for hindring him from Searching his House to see whether it was in repair, was never brought before that time ; and that of *Turner and Starling*, was not brought till 23 Car. 2.

The Law of *England* is not confined to particular Precedents and Cases, but consists in the Reason of them, which is much more extensive than the Circumstance of this or that Case. *Ratio Legis est Anima Legis*, *Ubi eadem Ratio, ibi idem Jus*, are known Maxims.

An Action against the Master of a Ship, for that the Ship, lying in the River of *Thames*, was Robbed, was maintained upon the same Reason as against a Common Carrier ; yet such an Action was never known until 23 Car. 2. in the Case of *Moss and Slue*. 1 Cr. 15. *Jones* 93. *Palmer* 313. *Smith and Cranshaw*, an Action of the Case was brought for maliciously, and without any

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It is granted, That if a Freeman who hath a Right to give his Vote for the Choice of a Mayor be denied his Vote, he may maintain an Action upon the Case.

There can be no difference between that Case and this, unless it can be supposed that the Right to Vote at the Election of a Mayor is of higher Estimation in the Eye of the Law, than a Right to choose Members to serve in the High Court of Parliament.

This Action is not only founded upon the Reason of the Common Law, but it hath the Sanction of an Act of Parliament, *viz.* the Statute of *West.* 2 *cap.* 24. which says, *That whensoever from henceforth it shall fortune in Chancery, that in one Case a Writ is found, and in a like Case falling under like Right, and wanting like Remedy, none is found, the Clerk of the Chancery shall Agree in making a Writ, and by Consent of Men Learned in the Law, a Writ shall be made, lest it should happen hereafter that the King's Court might fail in Ministering Justice to Complainants.*

The Objection most insisted on. was, That this is a Matter relating to Parliaments, and ought to be Determined by the Law and Custom of Parliaments, and for that reason is not cognizable in the Queen's Courts.

In Answer to this Objection, it was shewed, That this Case is proper in the Nature of it, to be Determined in the Queen's Court.

2. There is no other Provision made for the Plaintiff, who is highly injured in his Right, but by bringing his Action in the Courts of Law, that have Power to Determine of Mens Lives, Liberties and Properties.

First, The Case in the Nature of it, is proper for the Queen's Courts. This will be apparent, if the se-

veral Rights of Electing Members to serve in the House of Commons be considered.

The Right of chusing Knights of the Shire is founded upon the Electors Free-hold, Matters of Free-hold are determinable originally and primarily in the Queen's Courts, by the Rules and Methods of the Common Law, by a Jury sworn, and by the Evidence of Witnesses upon Oath : And as the Right of the Free-hold is determinable there, so are all Benefits, Rights and Advantages depending thereupon, or belonging thereto.

If a Free-holder's Voice be refused by a Sheriff, what is it should hinder the Queen's Court from trying and determining this Matter, like all other Questions of Free-hold, by a Jury, upon the Oaths of Witnesses, or Evidence in Writing, whether the Plaintiff that supposes himself wronged was a Free-holder or not ?

The Right of chusing Citizens and Burgeses depends either upon Prescription or Custom, or upon Letters Patents ; these are also primarily and originally cognizable by the Queen's Courts : Customs and Prescriptions are triable by the Country, that is, by a Jury of Twelve Men of that County, where the Custom is alledged to be : This is known Law in all Cases without Exception.

And as to Letters Patents, if pleaded specially, the Court must judge of them ; and if either Party conceives the Court hath judged amiss, he hath his Remedy by Writ of Error, till at last it comes where it will receive a final Judgment. So that every Right which an Elector can have, is proper for the Determination of the Queen's Courts. There are various Ways of Election in different Boroughs ; but they all depend upon Charters or Customs, and therefore are not more difficult to determine than other Franchises or Liberties which depend upon the same Foundation.

And whereas it was said, That by a late Act of Parliament in the 7 & 8 W. 3. the last Determination of the House of Commons concerning the Right of Elections is to be pursued ; it amounts to no more than this, That the Officer who is to make the Return is to take care to return him to be elected, who is

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But, Secondly, There is no other Court of Jurisdiction appointed by the Law of *England* for determining the Right, and repairing this Injury, but the Courts of *Westminster*.

It is a general Rule, That whoever impeaches the Jurisdiction of one Court, must intitle some other Court to have a Jurisdiction of that Cause; but that is impossible to be done in this Case.

It was said, That the Determination of the Right of Election of Members to serve in Parliament is the proper Business of the House of Commons, which they would be always very jealous of, and this Jurisdiction of theirs is uncontested, That they exercise a great Power in that Matter; for they oblige the Officer to alter his Return according to their Judgment, and that they cannot judge of the Right of Election without determining the Right of the Electors; and if Electors were at Liberty to prosecute Suits touching their Right of giving Voices in other Courts there might be different Judgments, which would make Confusion, and be dishonourable to the House of Commons, and that therefore such an Action was a Breach of their Privilege.

As to the Objections, several Answers were given.

It was admitted, That the House of Commons exercise a Jurisdiction in determining the Right of Election of their own Members, and though the Time may be assigned when that Jurisdiction was exercised in another Place, yet there has been an Usage long enough to hinder that Point from being drawn in Question, especially after the Sanction given to



by the Act made in the Seventh Year of King Wil-  
liam's Reign.

But though it be true, That the Merit of the Election of a Member be a proper Subject for the House of Commons to judge of, because they only can give the proper and most effectual Remedy, by excluding the Usurper, and giving Possession of the Place to him who has the Right; yet there is great Difference between the Right of the Electors, and the Right of the Electee; the one is a Temporary Right to a Place in Parliament, *pro hac vice*; the other is a Free-hold, or a Franchise: Who has a Right to sit in the House of Commons, may be properly cognizable there; but who has a Right to chuse, is a Matter originally established, even before there is a Parliament. A Man has Right to his Free-hold by the Common Law, and the Law having annex'd his Right of voting to his Free-hold, 'tis of the Nature of his Free-hold, and must depend upon it. The same Law that gives him his Right must defend it for him; and any other Power that will pretend to take away his Right of voting, may as well pretend to take away the Free-hold upon which it depends.

To say, the Plaintiff in this case may apply to the House of Commons is not sufficient, unless proved; never any single Elector of any County or Borough, did complain to the House of Commons, that he was debarr'd of his Vote, and desire them to determine his particular Right. Sometimes some of those who have Right to chuse in a Borough have complained, That Persons have been return'd by the Officers, who were not duly elected, as being an Injury done to the whole Community of the Borough, to have a Person without Right sit there as their Representative; but this is only to bring the Merits of the Election in Question, of which that House hath Cognizance, and therefore, as incident and necessary thereunto, they may try the Rights of Electors, which of them by Custom or Letters Patents have Voices; but this is no more than all Courts have. In the Ecclesiastical Courts, which proceed according to the Civil Law, if the Suit be originally proper for their Jurisdiction, they have Power to determine Things foreign thereto, as if Letters Patents or Conveyances

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ances of Lands come in Question, though primarily and originally determinable in the Courts of Common Law. Matrimony is properly under the Jurisdiction of the Ecclesiastical Court; and if a Question arises between the supposed married Parties in their Life-time, or upon Dower or Bastardy, it shall be try'd and determin'd there: But when an Action is brought by a Man and Woman, supposing her to be his Wife, if the Defendant pleads in Abatement that they were not married, it shall be tried by a Jury where the Action was brought; so if any ones Title to Lands depends on a Marriage, if an Action be brought to try the Title, the Marriage may be determined by a Jury. This shews plainly, That because the House of Commons may determine who are Electors, and who are not incidently, and so far only as it is necessary to try the Right of the Election, doth not follow, that when the Right of Election is not in Question, they can try the Right of an Elector.

When the Right of the Candidate is examined in the House of Commons, it is in order to determine which Person hath the Right to join with them in the making of Laws, and other publick Services, and in order to the Determining this Point, the House of Commons must judge of the Electors, they do it only to this Purpose. But the Courts of Law judge of an Elector's Right wholly to another End, as it is a legal Right, to assert that, and to repair in Damages the Elector, who is wrongfully hindred from exercising it. This is what the House of Commons cannot do, nor to this Day was there ever any Application made to them to do it, and it may be reasonably supposed, they will not now begin to take upon them.

It commonly takes up a great part of the Time of a Session to determine the Cases of Elections, before they can be sure the House is composed of such as have a Right to sit; but should they once pretend to take Cognizance of particular Mens Complaints in order to decide the Rights of Electors, it would be impossible for them to have any Leisure to employ themselves about the *Ardua & Urgentia Negotia Regni* the Safety and Defence of the Kingdom, for which

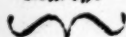
the Writ calls them together. It is granted, That the Deciding of the Rights of Electors is a Matter of great Weight, and in Consequence concerns the Lives and Liberties of the Subjects of *England*; but the Law hath provided a proper Remedy to be pursued in the ordinary Methods of Justice, a Remedy that is adequate, where Damages may be recovered. The Plaintiff in this Case knew he had a Right by Law to give his Vote, and when he found himself deprived of it, he resorts to the Law for his Remedy: And it is probable, most of the Electors of *England* will be of his Mind, and think it for their Interest to resort to the Courts of *Westminster-Hall*, for asserting this great Right of theirs upon Occasion, where they may prove their Case by Witnesses upon Oath, and have their Damage assessed by their Countrymen duly sworn, nothing of which can be done, if they are to seek for a Remedy in the House of Commons.

Where a Man is injured, if he cannot bring his Action to recover the Thing it self he hath lost by the Injury, the Law will always give him Damages in Lieu thereof.

It was said in the Debate of this Case, That Instances were to be given where the Party injured did not recover Damages, as in Case where one has a Right of Presentation, and is disturbed, he could not recover Damages at the Common Law, and that was resembled to the Right of an Elector, which was said to be only a Right of Nomination. But the Answer to this Objection is plain, there the Law gives the Party a Remedy to recover the Presentation, the Thing that was taken from him, to which he is restored by the Judgment: But in the present Case there is no Possibility for the Plaintiff to recover the Thing he has lost, which was his Vote at the Election; for that Election is over, and can never be had again; so that the Plaintiff cannot possibly have any Reparation, unless it be in Damages, and this sort of Reparation the House of Commons cannot give him.

If the Plaintiff, and all other injured Electors should be obliged to go to the House of Commons for Satisfaction, it may be reasonably supposed, the

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Parliament may be dissolved before it could come to his turn to have his Cause heard, What would be the Consequence of this? If the Plaintiff must be thereby without Remedy? Would not the Law be notoriously Defective? And yet none will say, that another Parliament did ever take Cognizance of any Injury done upon Account of an Election to a preceding Parliament: But suppose the next House of Commons will determine it, what needless Work will the House of Commons be engaged in? For probably the ensuing Election would make as many new Questions, as that which went before, and which the Parliament did not live long enough to dispatch.

As to what was objected, That the same Matter may come in Question in the House of Commons, where it may be determined, That this Plaintiff hath no Right, so that great Confusion would arise from different Judgments in different Courts, it is no more than what may happen every Day in *Westminster-Hall*, where the several Courts may be of various Opinions upon the same Question, and yet no Hurt is done to the Publick; nay, this is no more than happens often in the House of Commons, where the Right of Election in the same Borough is decided different Ways in different Parliaments, and they do not think themselves dishonour'd by it.

This Contrariety of Judgment can never appear, for the House of Commons never gives a direct Judgment on this or that individual Elector's Right; the Voting is either upon a general Question of the Competitors, or where the Right of Election in the Borough is placed, whether all Inhabitants, or those under a particular Qualification; or whether the whole Commonalty, or a select Number have Voices, and all those are but Ways and Means to determine the Right of Election.

If the House of Commons judge of the Right of a particular Elector at any time, it is only *pro ista vice*, so far as it relates to the particular Case before them; but surely the House never thought the Elector's Free-hold finally concluded thereby, because he is no Party to that Suit, his Right came not there in Question originally, but consequently in a Cause litigated be-



between other Persons, to which he is no Party, and it cannot be agreeable to right Reason, or Principles of Law, for a Man's Right to be conclusively determined in a Cause between other Parties.

And after all, where is the Damage to the Publick, if there should be a Variety in the Determination of the House of Commons, and the Courts of *Westminster*? It is not impossible in the Nature of Things, for the Courts of Law have great Advantages which the House of Commons want, they want the Help of Juries, and the Power of giving Oaths, and they ought not to be displeased with their Electors if they resort to Courts, provided with these Powers for asserting their Right of Election, especially when it is consider'd, That the Person whose Pretensions the House of Commons approves of, will sit there, which is all they are concerned in: They are the Elected, and it would be strange, if that should Intitle them to Challenge the sole Power of deciding the Rights of their Electors, which is indeed to chuse their Electors.

It was urged as a great Argument against the maintaining this Action, That it had been Adjudged in the Case of Mr. *Onslow*, in the 33d Year of King *Charles II.* That no Action did lie at Common Law for the false Return of a Member to sit in Parliament, and that in the Case of *Barnadiston* and *Soames*, it was adjudged the Candidate could not maintain an Action against the Sheriff for a Double Return, and if the Person elected to serve in Parliament, cannot maintain an Action against the Officer, it was urged, *a fortiori*, That the Person electing, who perhaps is but a Cobler, ought not to be allow'd to have such an Action.

It was answered, That the Law of *England* has no respect to Persons: If an Elector be a Cobler, he is a Freeman of *England*, and has that great Privilege belonging to him to be represented in Parliament. It was remembred with what great Variety of Opinion among the Judges, that Case of Sir *Sam. Barnadiston* was determined, and what an Alarm that Judgment gave to the House of Commons, to such a degree, that in the Session of Parliament, 1679, a Committee

*March.* was appointed to enquire into it as a Grievance. And it was observed, That the great Design of the Act of Parliament made in the Seventh Year of the late King, (which was often mention'd in the Debate of this Case to other Purposes) was to cure the many Inconveniencies arising from that Judgment, and the Judgment in Mr. *Onslow's* Case, which only follow'd *Barnadiston's*, and was judged upon the Authority of it. But there is no Resemblance between those Cases and the Case of an Elector. In *Barnadiston's* Case of a double Return of Members, the Reason on which the Judgment was founded, was, That a double Return was no Return which the Law took Notice of, but was only allow'd by the Custom of Parliament. When an Officer, who doubts, makes a double Return, he submits to the Judgment of the House of Commons; and if that House admits of such a Return, as they had often done, it would be hard the Law should subject a Man to an Action for submitting a Matter of Fact, (the Truth of which the Officer doubts) to the Determination of those who have a Jurisdiction of the Matter, and approve the Manner of such a Return.

In the other Case of a false Return of a Member, several Reasons may be assigned for the Judgment, which are not applicable to the Case of an Elector; perhaps, it might be because such a Return is a manifest Injury to every one of the Electors (though principally to the Candidate) and therefore it might fall within the Reason of *Williams's* Case above mentioned, That every Elector might sue him, and therefore none of them severally can maintain the Action. But there is another Reason very obvious, because the Candidate has a proper Remedy to recover his Place from which he is excluded by the false Return; the Right of the Election is cognizable in the House of Commons, there he will recover his Seat in Parliament, which is what the Law has the principal Regard to, and there is no Reason he should have a Remedy elsewhere.

It is absurd to say, the Elector's Right of Chusing is founded upon the Law and Custom of Parliament; it is an original Right, part of the Constitution of the Kingdom, as much as a Parliament is, and from whence

whence the Persons elected to serve in Parliament do derive their Authority, and can have no other but that which is given to them by those that have the original Right to chuse them; this doth not touch the Jurisdiction claimed by the House of Commons, to try the Right of the Election of their own Members, they who pretend to be admitted to sit there, ought to make out their Right to the House; but there is no Ground to infer from thence, that the House hath Power to try or determine the Right of other Persons who are not their Members, and do not pretend to any Place amongst them.

It was said, That if this Action were allow'd, there would be a Way found out for the Lords to let themselves in to judge of the Right of the Members of the House of Commons to sit there, and by Parity of Reason to judge of their own Privileges, as if Actions were brought for Words spoken in the House of Commons, or other Things happening in that House, which would be of ill Consequence.

But it was said in the First place, That this Objection was little applicable to the present Case, because it has no Relation to the Sitting of that Member, for whom the Elector, who brings his Action, gave his Vote.

And, Secondly, If Things are so ordered by the Constitution of the *English* Government, That the ultimate Resort in point of Judicature, is lodged with the Lords, let the Case concern what it will, when it is brought before them by Writ of Error, they are bound to give Judgment one Way or other; and as to the particular Instance mention'd, relating to Words spoken in the House of Commons, it was said, There never was a greater Attempt made upon Liberty of Speech in the House of Commons, than by the Information brought in the *King's-Bench*, 5 Car. I. against Sir John Elliot, Denzil Holles and Benjamin Valentine, Esquires, for Words spoke in the House of Commons; they pleaded to the Jurisdiction of the Court, as being for what was done in Parliament, and therefore ought to be examined elsewhere; but Judgment was given against them, and great Fines imposed upon them. [*Cro. Cur.* 181.] In the Parliament which met in 1640. these Proceedings were taken into Consideration

*March.* ration with great Warmth, and the 8th of *July*, 1641. it was resolv'd in the House of Commons, That the Exhibiting of that Information was a Breach of the Privilege of Parliament, and that the Over-ruling of the Plea to the Jurisdiction of the Court, and the Judgment and all that follow'd thereupon, was against the Law and Privilege of Parliament, and many other Votes pass'd. Thus the Matter rest'd till after the Restoration of King *Charles II.* but when Things grew to be settled, and there was no Leisure to consider of the Consequences of former Proceedings, the House of Commons began to think, that those Votes were not to be depended upon as a sufficient Security, in a Case of so high a Nature, since upon Liberty of Speech all Parliamentary Debates are founded, and they could not think that great Privilege safe, while so solemn a Judgment stood in Force. Therefore in 1667. the Consideration of this Matter took up a great part of the Session, and the best Expedient they could find out was, First, To come to a Resolution among themselves, that the Judgment given, 5 *Car. I.* in that Case was an illegal Judgment, and against the Freedom and Privilege of Parliament; and then to present this Resolution of theirs to the Lords at a Conference, which was done 14 *December*, 1667. and to desire their Concurrence. The next Day the Lords concurr'd in the Resolution, and at the same time (which was the Thing aim'd at and desired by the Commons) the Lords ordered the Lord *Holles* to bring a Writ of Error in Parliament, to the end there might be a judicial Determination of that great Point, which was done accordingly; and on the 15th of *April*, 1668. that Cause coming to be heard in Parliament, the Judgment in the *King's-Bench* was reversed, to the great Satisfaction of the House of Commons.

So little did the House of Commons entertain Jealousies of this kind, that they themselves resorted to the Judicature of the Lords, in the Manner that has been appointed upon so weighty an Occasion.

It was objected, That many Inconveniences would follow, if this Action were allowed; but they were very sparing in giving particular Instances of those Inconveniences.

But



But nothing is plainer, than that the Plaintiff's prevailing in this Action, great Inconveniences will be prevented, and the Subjects Right and Property secured against the Partialties and Corruption of Officers, who are trusted in a Matter of so great Moment, as the receiving and allowing their Suffrages upon Elections.

This tends to encounter false Returns in the first Approach, and to have just Returns is all the House of Commons ought to desire.

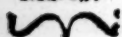
How endless would the Inconveniences be, if this Action did not lie? How would Occasions of Complaint be multiplied? The Officers who had the Return would become the Masters of Elections, and admit and reject Electors as they pleased with Impunity: For if the Electors are only to seek for a Remedy before the House of Commons, it would be a Remedy worse than the Disease: The greatest part of their Cases would never be determined for want of Time; and they who could get their Cases heard, could have no Amends; that is, no Damages given them for Reparation of the Wrong, besides the Absurdity of having for the most part the Parties to the Injury, those who sit by a false Return, Parties to the Judgment.

So that to deny this Action, is to deny the Benefit of the Law in a Matter of the most tender Concern to an *English* Man.

To pretend it to be a Breach of Privilege of the House of Commons for an Elector to seek for Remedy at Law, if he be wrongfully excluded of his Vote, is very strange.

That certainly can never be esteem'd a Privilege of Parliament, that is incompatible with the Rights of the People. Every *English* Man is entituled to Reparation for the Injuries done to his Rights and Franchises in the ordinary and common Methods of Justice, where the Juries who try, and the Witnesses who give Evidence, are to be upon their Oaths: *Magna Charta*, Cap. 29. is very express, *No Freeman shall be disseised of his Free-hold, or Liberties, or Free Customs, unless by the lawful Judgment of his Peers, or by the Law of the Land.*

March.



By the *Lawful Judgment of the Peers*, in the Case of a Commoner, is meant, by a Jury of lawful Men upon their Oaths.

If one be injured in such a Manner as the Plaintiff in this Action hath been, no Man can say, *per Legem Terræ*, by the Law of the Land, that he can have a Remedy for Satisfaction, and asserting his Right in the House of Commons; if there be any such Law, it must be either Statute Law, or Common Law. No Statute gives him such a Remedy, nor doth the Common Law, because that is constant Usage for Time immemorial; and there is not one Precedent can be produced, that ever any Man upon such an Occasion did ever apply to the House of Commons for Relief.

Upon the 14th Day of *January*, 1703. the House of Lords reversed the Judgment, and gave Judgment, That the Plaintiff should recover.

The State of the Case being read and approved of, the House came to the following Resolutions, *viz.*

Lords  
Resolves  
upon the  
Case of  
*Asbby* and  
*White.*

‘ It is resolved by the Lords Spiritual and Temporal in Parliament assembled, That by the known Laws of this Kingdom, every Free-holder, or other Person having a Right to give his Vote at the Election of Members to serve in Parliament, and being wilfully denied and hindred so to do by the Officer who ought to receive the same, may maintain an Action in the Queen’s Courts against such Officer to assert his Right, and recover Damages for the Injury. It is resolved by the Lords Spiritual and Temporal in Parliament assembled, That the Asserting, that a Person having a Right to give his Vote at an Election, and being hindred so to do by the Officer, who ought to take the same, is without Remedy for such Wrong by the ordinary Course of Law, is destructive to the Property of the Subject, against the Freedom of Elections, and manifestly tends to encourage Corruption and Partiality in Officers, who are to make Returns to Parliament, and to subject the Free-holders, and other Electors to their Arbitrary Will and Pleasure. It is resolved by the Lords Spiritual and Temporal in Parliament assembled,

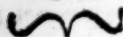
sembled, That the declaring *Matthew Ashby* guilty of a Breach of Privilege of the House of Commons, for prosecuting an Action against the Constables of *Aylesbury*, for not receiving his Vote at an Election, after he had in the known and proper Methods of Law obtain'd a Judgment in Parliament for the Recovery of his Damages, in an unprecedented Attempt upon the Judicature of Parliament, and is in Effect to Subject the Law of *England* to the Votes of the House of Commons. It is Resolved by the Lords Spiritual and Temporal in Parliament Assembled, That the Deterring Electors from Prosecuting Actions in the Ordinary Course of Law, where they are Deprived of their Right of Voting, and Terrifying Attorneys, Solicitors, Counsellors, and Serjeants at Law from soliciting, prosecuting and pleading in such Cases, by voting their so doing to be a Breach of Privilege of the House of Commons, is a manifest assuming a Power to controul the Law, to hinder the Law, and hinder the Course of Justice, and subject the Property of *English* Men to the Arbitrary Votes of the House of Commons.

In the mean time, the Right Honourable the Lord *Reis*, being appointed by her Majesty to represent her Royal Person as Commissioner to the General Assembly of *Scotland*, arrived at *Edenburg*, presented to the Council her Majesty's most Gracious Letter, in Answer to an Address of the last General Assembly to her Majesty, for preventing the Growth of Popery, &c. which being read, gave extraordinary Satisfaction to their Lordships, who ordered it forthwith to be printed as follows.

*Right Trusty and right Well-beloved Cousin and Counsellor,  
Right Trusty and intirely beloved Cousins and Counsellors,  
Right Trusty and Well beloved Cousins and Counsellors,  
Right Trusty and Well-beloved Counsellors, and  
Truly and Well-beloved Counsellors, We Greet you well :*

ANNE R.

Whereas there was an humble Address presented Queen's to Us from the General Assembly of the Church Letter to in that Our ancient Kingdom, representing the the *Scotch* Growth of Popery, and the Numbers of Priests and Council.  
'Je- 3.

*March.*  Jesuits, with several Disorders and Illegal Attempts of the Dissenting Clergy, and the increase of Vice and Immorality (whereof a special Condescendence was offered to you.) And praying Our Royal Assistance for putting the Laws relating to these Articles to vigorous Execution. It is Our Pleasure, and We do Require you, to give all just Encouragement to the Ministers and Government of the Church Established by Law, and that you give your outmost Application and Endeavours to Discourage and Prevent the Growth of Popery, and for seizing and securing Priests and Jesuits, and that you do not suffer any Illegal Attempts or Encroachments to be made by the Dissenting Clergy, upon the present Constitution; And that you Endeavour to promote Vertue and Piety, and restrain Vice and Immorality every where through the Kingdom, in the Ways you see most Expedient, and agreeable to Our Laws: And so not doubting your Care herein, We bid you Heartily Farewel.

*Given at our Court at St. James's, the Third Day of March, 1704. And of Our Reign the Second Year.*

By her Majesty's Command,  
QUEENSBERRY.

General  
Assembly  
of Scot-  
land.

14.

The Assembly met on the 14th, and after Sermon by Mr. Meldrum, they went to the ordinary Place of meeting, where after Prayer, and calling of the Rolls, they chuse Mr. Thomas Wilkie, Minister of the Cannon-gate, Moderator. This being done, his Grace the Lord Commissioner presented his Commission and her Majesty's Letter, which gave mighty Satisfaction to the Assembly. After this his Grace made a Speech, with which they were extreamly pleased; and after signifying their great Satisfaction in her Majesty's Choice of a Person to represent her, whom they knew to be well affected to the Government both of Church and State, they presented an Address to his Grace, and desired he would send an Express to acquaint her Majesty, that they had a deep Sense of her Royal Goodness, and to carry their Dutiful Answer to her Majesty's Gracious Letter, which was an unprejudiced Dispatch, for they generally used to sit Four or Five



Five Days before they returned an Answer; but her Majesty's kind Letter, and his Grace's Speech, did so warm their Affections, that they would not delay it any longer. *March.*

Now the forecited Letter of her Majesty having, reference to an Address of the generally Assembly to Her in their former Sessions and not taken Notice of in the preceding History, the same is thought proper to be inserted here, and is as follows.

*May it please Your Majesty,*

'THE intire Confidence we Repose in Your Majesty's Zeal for the true Protestant Religion, and in the renewed Gracious Assurances we have from Your Majesty to maintain and protect the Presbyterian Government of this Church, as at present established, with the Sense of the Duty we owe to God and to his Church in this Nation, and to Your Majesty our undoubted and rightful Sovereign, do embolden us, in pursuance of those Christian Ends recommended to us by Your Majesty in the Beginning of this Assembly, to lay before Your Majesty in all humble Duty, those Things that endanger the Safety and obstruct the Success of Religion, and trouble the Quiet and Peace of this Church and Kingdom. *General Assembly's Address. 1703.*

'We humbly crave Leave to represent to Your Majesty, That our Reformation from Popery was by Presbyters, whereby the Presbyterian Government, in an equal Parity without any Superiority among them, was at that time settled; and for this Constitution and Church Government, the constant Perswasion, Zeal and Concern of the Ministry and People in this National Church, is sufficiently known to Your Majesty and the World, God having always signally blessed the Presbyterian Government of this Church, and the Discipline thereof, for the suppressing of profanity and curbing of Error in this your ancient Kingdom.

'Upon these Considerations, at the late happy Revolution, and for remedying of the many Evils we had suffered, and preventing the like in time coming the Claim of Right did declare against Prelacie as a great and unsupportable Grievance and Trouble to this

March.

‘ this Nation; and for Presbyterian Parity in the Church, and by the Acts of Parliament thereon ensuing, Presbyterian Government is settled as agreeable to the Word of God, and most conducive to the Advancement of true Piety and Godliness, and the establishing of Peace and Tranquility, and therefore to be the only Government of Christ’s Church within this Kingdom.

‘ And of this Government as well as of the true Protestant Religion, we have, through the infinite Mercy of God, under the Protection of our late Sovereign King *William* and of your Sacred Majesty, enjoyed the Peaceable and Comfortable Possession with much Concord and Tranquility.

Notwithstanding whereof, it is our extream Sorrow that we find our selves constrained to represent to your Majesty for your gracious Help and Relief First, The extraordinary Growth of Popery, and bold and insolent trafficking of Popish Priests and Jesuits in several Parts of the Kingdom; and that not only by seeret Practices but by avowed keeping of Mass-meetings and Houses, and insulting of some of our Ministers, and daring even to set up Schools to the corrupting and Poisoning of Youth, and many other unaccountable Attempts as if in a Popish Country, to the great Dishonour of God, the Violation of Your Majesty’s goods Laws, the Increase of Disaffection to your Royal Government, and the Grief and Disquiet of the Hearts of your faithful Subjects.

‘ Secondly, Tho’ we acknowledge our selves to be unquestionably bound as Christians, and more especially as Ministers of the Gospel of Peace, to maintain Charity and Forbearance toward those who peaceably differ from us, and contain themselves within the just Limits of Sobriety and Reason, yet we cannot but complain of the Disorders of some of the Episcopal Clergy, who, with a few of their Abbots who have shewn as little Affection to Your Majesty’s Government as to the Established Church, transgress your Laws by preaching, tho’ not qualified by Your Majesty’s Government, by despising Sentences of Deprivation past by the Privy-Council, and by Deposition by Church Judicatories, by invading

bled Churches, by intruding into vacant Churches, and by irregular Baptisms and clandestine Marriages, and several other gross Abuses; all which tend to the weakning and frustrating the good Ends of Discipline, the Increase of Licentiousness and Irreligion, and the spreading of Error and Doctrines contrary to our Confession of Faith ratified in Parliament.

And of all these Things, we have in the sincere Discharge of our Duty to God and Your Majesty, drawn up a particular Condescendence to be given to Your Majesty's Privy-Council, whereof we have transmitted just Doubles to your Secretaries, for Your Majesty's better and more full Information.

Thirdly, We must also regrave the abounding of Immorality and Profaneness, notwithstanding the clear Light of the Gospel that we enjoy, and the many Laudable Laws, that have been made to restrain them.

These being the Heads of our Grievances, wherein Your Majesty sees how much the Glory of God, the Purity of Religion, the Obedience to your Laws, the Honour of your Government, and the Peace and Quiet of this Church and Kingdom are concerned, we do in all Humility most earnestly intreat, That Your Majesty will be pleased in your Royal Wisdom and Goodness to appoint, That the Laws against Papists may be executed with Vigour by all the Officers of the Law in all Parts of the Kingdom. And that all unwarrantable and illegal Attempts of Disturbances against the established Government of this Church, and the Peace of the Kingdom, be punished and prevented according to Law: And that a Proclamation in Your Majesty's Name be issued for that Effect, and for the strict Execution of the Laws against Profanity and Immorality, in Persons of all Ranks. And that all Officers and Magistrates of Justice give due and ready Assistance, as the Law ordains, for making the Sentences and Censures of the Church and its Judicatories effectual.

That God may long preserve Your Majesty for the Defence of the true Protestant Religion, the Comfort of all the Churches of Christ, and the Welfare and Prosperity of this Church and Kingdom,

*March.* 'dom, shall be the constant and fervent Prayer  
 of, &c.

Then for the particular Grievances laid before the Right Honourable the Lords of Her Majesty's Privy-Council by the same General Assembly, to which Her Majesty also referr'd in Her Letter to the Council; they are divided into Two Parts, in Substance as follows.

I. *Their Grievances from the Growth of Popery, and the Insolence of trafficking Priests and others: The Instances are;*

Their  
 particular  
 Grievances.

1703.

1. The State of several Parishes in the *Highlands and West Isles* within the Synod of *Argile*, is very deplorable, there being several Hundreds of Papists there, and Six Mass Priests for Five Protestant Ministers in the Presbytery of *Sky*; That one *Monro*, a banish'd Priest, is return'd thither with several others: One *Nicholson*, a Popish Bishop, has lately confirm'd Hundreds of People in those Parts, and they set up their Mass-Houses openly near the Churches. A List of those that entertain them is given by the Ministers of the Synod, with the Witnesses that can prove it.

2. The Parishes of *Cruthie*, *Brae of Mar*, *Tulloch*, *Kincarden*, *Chapple-Garrioch* and *Tarries*, in the Shire of *Aberdeen*, and the Parish of *Muthil* in *Perthshire*, are infested by Popish Priests; of whom a List of Eleven, besides others not named, that traffick in the Shires of *Aberdeen* and *Bamf*, with an Account of the Persons that entertain them, is given by the Synod and Ministers of *Aberdeen*.

3. In the Parish of *Belly* there are open Mass-Houses and Popish Priests, to whom about 400 Papists resort every Lord's-Day and Holy-day, as avowedly as Protestants do to their Churches.

4. At *Strathbogie* there's a publick Popish School, whither Youth resort from several Parts of the Kingdom.

5. There are Accounts from other Parts of the Nation, particularly from *Kirkubright* and *Nishdale*, of many trafficking Priests; of those that entertain them



and of their superstitious Practices; all which is ready to be proved.

6. Even in the Presbytery of *Edinburgh* there is a general Encrease of Popery, and publick Popish Schools, where Papists speak against the Protestant Religion, and seduce Youth.

7. There are particular long Lists ready to be laid before the Council, of many Apostates from the Protestant Religion, with the Number and Condition of their Children and Protestant Relations, in order to have the Laws put in Execution, especially as to the Education of their Children.

II. *The Second Part of their Grievances is from the disorderly Practices of Episcopal Clergy, turn'd out for refusing the Oaths, &c. And the Instances are;*

1. One Mr. *John Wilson* in *Orkney*, deprived by the Privy-Council, has invaded the Church of *Kirkwall*, and excluded the Legal Incumbent, who was refused the Assistance of the Bailiff of *Kirkwall*, tho' he was obliged to give it by Law.

2. Mr. *James Inglis*, deprived by the Privy Council, presumes to exercise his Function in the Parish of *Muthil*, prays for the King and Royal Family, goes to the Church Doors, to threaten those who hear the legal Incumbent, and employs other disaffected Ministers, who pray for the King and Royal Family in express Terms.

3. Upon the Death of Mr. *James Foreman*, one of the Ministers of *Haddington*, the Presbytery, according to Law, appointed one to supply the Vacancy; but he was opposed by the Rabble, some of the Magistrates and Gentlemen; and the other surviving Episcopal Minister did, contrary to his Promise, possess himself of the Pulpit, to exclude the Minister sent by the Presbytery; and the Episcopal Party there did, contrary to Law, employ one Mr. *Heriot*, who had been deposed by the Synod of *Lothian*, notwithstanding the Presbytery's Endeavours to compose Matters amicably.

4. In several Parts, particularly in the Shires of *Angus* and *Mearns*, at *Anchiterhouse*, *Essie* and *Kincaldrum*, the disaffected Party keep the Church Doors

*March.*

shut, contrary to Law, against the Ministers sent by the Presbytery to preach there; and at *Meigle*, an Episcopal Minister, who was never incumbent there, excluded the legal Incumbent there, settled by the Call of the Parish, from his Manse, which he has turn'd to a Meeting-House.

5. Mr. *Andrew Burnet*, tho' deprived by the Parliament in 1695. has invaded *Trinity Church* at *Aberdeen*, and preaches there.

6. Mr. *Geo. Clerk*, late Incumbent at *Chapple-Garioch*, still keeps Possession of that Church, tho' deprived by the Synod of *Aberdeen*.

7. It were endless to enumerate the Instances of Clandestine Marriages, antedated Certificates of Marriage to cover Uncleaness, marrying of People already married to others, and some within forbidden Degrees, and others after Proclamation of Banes to other Persons; all which is ready to be proved against several of the Outed Clergy; as are many irregular Baptisms, without any Regard to the Scandalousness of the Parents, or their not having satisfied the Censures of the Church.

8. In the Shire of *Dumbarton*, and elsewhere, the Outed Clergy take upon them to meet in Presbyteries, and license Preachers contrary to Law. And Two Ministers deprived by the Privy-Council, and under Bond not to preach in *Dundee*, have set up a Meeting-House there, where they employ other Ministers not qualified by Law: And at *Aberlennno* one deprived by the Council has again intruded into the Church, and excludes the Minister sent by the Presbytery.

But to return to the present Assembly; it's observ'd they went on with more Unanimity than hardly ever before, with the Matters that lay before them. On the 28th, his Grace the Lord-Commissioner acquainted them, That he had received a Letter from his Grace the Duke of *Queensberry*, shewing, That Her Majesty had received their Answer to Her Majesty's most gracious Letter, and that Her Majesty was very well pleased with the Assembly's Proceedings, and their Testimonies of their Loyalty signified in their Answer; and assuring them of Her Majesty's Reso-

lution



lutions, not only to protect their Persons, but to maintain the Presbyterian Government in the Church as establish'd. Hereupon the Moderator, in the Name of the Assembly, express'd their dutiful Acknowledgment of Her Majesty's Royal Favour to them, and their Resolution to continue in all Duty and Loyalty to Her Majesty. He gave his Grace the hearty Thanks of the Assembly for his Care and Concern about the Church, and intreated his Grace, when he had Occasion, to acquaint Her Majesty with their dutiful Resolves.

And as they went thus calmly on, so they concluded on the 31<sup>st</sup> with as great Unanimity and Peace as ever was known. The Moderator closed with a Speech in the Name of the Assembly, expressing their deep Sense of Her Majesty's Clemency and Goodness, gave Thanks to his Grace the Lord-Commissioner for his Zeal and Kindness to the Church, and desired to represent to Her Majesty their dutiful Behaviour. His Grace made a short Answer, thanking them for their Expressions of Loyalty to Her Majesty, and for their Confidence in himself, and assured them, that he would give a true Representation of their Conduct to Her Majesty, and on all Occasions shew himself a stedfast Friend to the Church of Scotland. The Moderator acquainted the Assembly, That having done all they could now perform, and referr'd the rest to the Committee that was to sit during the Interval, he thought it proper to conclude, and since the Law secured them a Meeting once *per Annum*, he did in the usual Manner think fit to name the first *Thursday of March, 1705.* as a proper Time for the Meeting of the next Assembly, and then the Lord-Commissioner made this Speech to them.

Assembly  
breaksup.

Moderator,

I Think my self happy in having had the Honour L. Commissioner to represent Her Majesty in this venerable Assembly, to observe your excellent Order, and to see so great Harmony, Unity and Calmness in carrying on the Affairs of the Church. This manner of Proceeding will, through God's Blessing, encrease and establish Religion and Charity, and will, I trust, have a grreat Effect for confirming the publick Peace.

March.

Peace. I am extremely satisfied to see that dutiful Affection you have shewn to Her Majesty's Person and Government in all your Management: I shall faithfully represent it to Her Majesty, and improve every Occasion, as far as I am capable, for your Interest, especially to continue the good Disposition which Her Majesty has so often express'd towards this National Church.

*Moderator,*

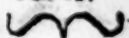
'I am deeply sensible of the great Affection which you and all the rest of the Members of this venerable Assembly have shewn to me at this time. I do return all of you my hearty Thanks, and I take this Occasion to assure you, that you shall find me at all Times firm to the Interest of the Church, and ready to embrace every Occasion to show you the grateful Resentments I have of all your Kindness; I doubt not when you return to your own several Charges, you will acquaint your Friends how happy we are all under the Government of so gracious a Queen, whose great Design is to make all Her People happy, and now since all your Affairs are over, and your Work is at an End, I, in Her Majesty's Name and Authority, and by Her Command, do dissolve this present Assembly, and in Her Majesty's Name and Authority, and by Her Command, do indite a new General Assembly to meet here the last Thursday of March, 1705.

The Assembly being concluded with Prayer, they attended the Lord-Commissioner in a Body to his Lodgings, where they were nobly entertain'd, and the Magistrates of the City did afterwards wait upon his Lordship to thank him for his Kindness to the Church.

Among other Instructions the Assembly gave to the Committee that was to sit during the Interval, was this following relating to the Episcopal Clergy: 'That when any of the Ministers who served under the late Prelacy, whose Lives and Doctrines may render them useful to the Church, do apply for Reception into a Share of the Government thereof. The General Assembly do hereby empower and recommend



March.



to their Committee to receive them according to the Thirteenth Paragraph of the Sixteenth Act of the General Assembly, Anno 1697. and that the foresaid Committee be careful to get due Information from the Presbyteries, where the said Person applying, did or does officiate, and is for the Time resident.

The safe Arrival and magnificent Reception of Charles III. King of Spain, in Portugal, we have related before; now we'll give you the Particulars of his Bounty and Munificence to Her Majesty's Officers and Servants that attended him thither. To Sir Geo. Rook he gave a Sword, the Hilt of which was set with Diamonds; a Buckle for a Hat-band, and a Hook to cock up a Hat, set with Diamonds. To Capt. Wisbart, her Majesty's Picture, set with Diamonds, and 200 Guinea's. To Capt. Fletcher, the like Picture (but of less Value) and 100 Guinea's. To Sir George Rook's Secretary, a 100 Guinea's. To the Captains that carry'd over his Catholick Majesty's Retinue, 100 Guinea's and a Gold Medal each. To the rest of the Captains of the Men of War, 50 Pistoles each, and 50 for their Ships Company. But in particular to my Lord Archibald Hamilton and Captain Bertie, to each the like Picture as to Captain Fletcher, and 100 Guinea's. To the Lieutenants, such a Medal as to the Captains, and 100 Guinea's, to be divided between them and the Master. To Col. Griffith, one of the Board of Green-Cloth, his Majesty's Picture. To Mr. Lowman, a Ring of considerable Value, and 1000 Pistoles for the rest of the Officers of the Queen's Family that attended his Majesty.

King of  
Spain's  
Presents  
to the  
English.

In the mean time, his Catholick Majesty, not being negligent of the grand Affair he came about, put forth the following Declaration.

Charles R.

FORasmuch, as thro' the wonderful Goodness and Mercy of God, we are safely arrived in Portugal, after a troublesome and dangerous Voyage, which nevertheless we undertook with all imaginable Chearfulness, rather chusing to expose our Royal Person to many imminent Dangers, than to suffer our well-beloved Subjects of Spain to groan

King of  
Spain's  
Declara-  
tion.

9.

*March.*

under the slavish Yoak of an unjust Tyranny, with which they are miserably oppress'd by the forcible Intrusion and Usurpation of the Duke of *Anjou*, of the King of *France* and his Adherents, therefore being come thither out of good Will to our well-beloved Subjects, and out of our Royal Compassion for their Sufferings and Oppressions, we are fully resolved, not only to recover our just Rights to the Crown of *Spain*, to which both the Laws of God and Nature give us an indisputable Title, but likewise to give our Subjects, before it be too late, an Opportunity of returning to their Duty and Fidelity, and of rescuing themselves from the Slavery and insupportable Yoak, with which they are unjustly loaded. We doubt not, considering the Justice of our Cause, but, through the Blessing of God on our Endeavours, and by our Forces, in Conjunction with those of our dear Allies, we shall in a short time be settled in our just Rights, and our People be restored to their lawful Liberty, Prerogatives and ancient Happiness. We depend upon it, that most of our Subjects will contribute with all their Heart, and exert their utmost Strength towards the procuring their Deliverance, by pulling down Tyranny and Usurpation.

And to encourage our well-beloved Subjects to set about so lawful an Enterprize, since they have been hinder'd hitherto from joining our Forces, We declare solemnly upon our Royal Word, that all such of our Subjects, as either willingly or compell'd by Force, have taken Arms in the Service of our Enemy, shall enjoy the Benefit of our Royal Pardon, provided they surrender themselves within the Term of Thirty Days, after our Forces shall arrive on the Frontiers of *Spain*. Moreover, they shall receive Marks of our Royal Favour suitable to their Ranks and Conditions, and proportionable to their Duty and Fidelity to their lawful Sovereign. On the contrary, our Royal Will and Pleasure is, that if after the Term of Thirty Days, any of our *Spanish* Subjects be found in Arms against us, contrary to their Duty and Obedience, in Contempt of this our Royal Declaration, and if they persist in their Rebellion in the Service of the *French* Usurpers, their

their Confederates and Adherents, to the Prejudice of our lawful Monarchy, such Persons contemning our gracious Declaration, shall be treated as Enemies of their Country, and unworthy the least of our Royal Favours.

March.

As for our other faithful and well-beloved Subjects, who have not taken Arms against us, they may continue in their Houses without Fear of being molested by our Troops, either in their Persons or Effects. And to the End that none of our Subjects may pretend Ignorance hereof, our Will is, that all our Generals, Commanders, Officers, and others in their several Stations do take Care, that in their Marches and Counter-Marches, no Violence be offered to Churches, Monasteries, Nunneries, or to any of our Subjects whatever.

And if any Officer or Soldier, contrary to our Royal Pleasure, presume in any wise to molest or trouble our peaceable and loyal Subjects, either in their Convents, Churches, Religious Houses, Persons, Goods, Lands or Cattle, the Offenders on Complaint made thereof to our Generals, shall not only incur our Displeasure, but be punished with the utmost Severity.

Given at our Court in Lisbon the 9th of March, 1704.  
in the First Year of our Reign.

On the other Hand, King *Philip* was not idle, and if his Enemies at this time magnified the Value of a Prize or two taken at Sea, as well as their Strength by Land, they were as industrious at *Madrid* to magnify his Interest and Power, from whence they told us, the Ministers, Noblemen and Officers, who were to attend him into the Field, were these, the Duke of *Medina Sidonia*, Master of the Horse, the Count de *Benavente*, chief Butler; the Archbishop of *Seville*, the Abbot d'*Etrees*, the Marquess de *Canales*, the Marquess de *Rivas*. Gentlemen of the Chamber, the Marquess de *Mont Alegre*, the Duke de *Sessa*, the Duke d'*Ossuna*, the Count de *Peneranda*, Don *Garzia de Guzman*, the Duke of *Gandia*, the Duke of *Vexar*. Majordomes, Don *Alexis de Guzman*, the Count de *Priego*, Don *Fernando de Argote*. The Marquess de *Lacoi* Captain of the Archers. That he had nominated

*March.* for his *Aides de Camp*, the Duke de *Bejar*, and his Brother Don *Pedro Antonio de Zuniga*, the Count de *Castaneda*, the Marquess of *Jamaica*, the Count de *Calmenar*, the Count de *St. Estevan de Gormaz*, the Marquess d'*Ariza*, the Marquess of *Lancaroto*, Don *Alonzo Manrique*, and the Commandeur *Ruffo*. That on the 4th he went from *Madrid* on Horseback, accompanied by a great Number of Lords, and with his usual Guard, the Musqueteers and Archers being richly cloathed, and the Rear of his Retinue closed by 200 *Irish* Dragoons. That from the Palace and the *Puente Segoviana* to the *Venta d'Alcorcon*, a League from *Madrid*, the Road was lined on each Side with Coaches fill'd with Persons of Quality, and with a prodigious Crowd of People on Horseback and a foot that flock'd together to see his Majesty, and as he pass'd through them made loud Acclamations, and gave him a Thousand good Wishes. That he arrived that Night at *Mostoles*. We shall not follow him the rest of his Journey: It's sufficient to say (without taking any Notice of the pretended Oblequiousness of the *Spaniards* to him) that on the 12th he arrived at *Plasencia*, where at present we shall leave him.

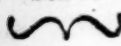
Actions of  
the Cami-  
sars.

And if thro' *France* we shall travel into *Italy*, tho' we can depend but little upon the Accounts we have of the *Camisars* in *Languedoc*, yet some notice of them must be taken *en passant*, as that they continued their Excursions, wherein they were generally Successful; and that they now plundered and burnt the Village of *Rodilan*, which lay in the Road from *Nismes* to *Beaucaire*, and several Country Seats thereabouts: That on the 24th past there was a sharp Encounter between one of their Parties and a Detachment of the King's Forces commanded by Monsieur *St. Julien*, near the Village of *Francaassin*, that the latter having obliged the Malecontents to retire, put all the Inhabitants of that Village to the Sword, without any Distinction of Age or Sex. That the Count d'*Usez* going from *Nismes* the 7th Instant towards *Montpelier*, attended by a Party of Forty Dragoons, met with another Party of the Malecontents, who defeated his Guard, and he made his Escape with great Difficulty: Upon Notice thereof a strong Detachment was sent out from *Nis-*



*Nismes* to attack them, but could only meet with Six of their Straglers who were brought Prisoners thither. That Monsieur St. *Julien* with his Detachment was marched into the *Vivarez*, to prevent the *Camisars* making any Progress on that side. About 10000 of the Inhabitants of that Country had assembled at *Bouilargues*, within a League of *Nismes*, in order (as they gave out) to oppose the Malecontents, and took upon them the Names of *White Camisars*. That they since burnt the Village of *Garrigues*, near *Uses*, and put all the Inhabitants to the Sword, upon a pretence that they held Correspondence with the Malecontents, and furnished them with Provisions: That they had also destroyed several Country-Houses belonging to some new Converts; but were not more merciful to the old Roman Catholics; that on the 15th, the Marshal de *Montrevel* being informed there were 500 *Camisars* in the Woods of *Vesenobre* near *Alais*, immediately detached a Battallion of Marines, with the Regiment of *Dumas*, and 300 Men of the Militia. The Battallion of Marines engaged first, the *Camisars* defended themselves very vigorously, retreating as they fought. The Regiment of *Dumas* and the Militia followed them close. But the *Camisars* retiring still, at length drew the King's Troops pretty far into the Wood, where 1400 of their Companions lay in Ambush upon the Ground on their Bellies, who rising up surrounded the Royalists, and charged them so warmly, that very few of them escaped. The Battallion of Marines was almost wholly cut off with their Officers; and as the Fight grew to an End and the King's Forces fell into disorder, 100 of the Militia went over to the *Camisars*. Monsieur de *Fonquiere*, who commanded this Detachment made his Escape thro' the *Camisars*, swum the *Gardon*, and with great difficulty got to *Nismes*. The rest saved themselves as they could and returned to *Alais*. 'Twas computed this Action cost them 1000 Men, tho' they owned the Loss but of 300.

However Things were true in reality, the M. de *Villars*, was now to succeed *Montrevel*, in his Command; of which we'll let him take possession while we hasten over the *Alps* and see what is transacting on that side, tho' we might in a Manner have spared our selves the Labour. The *Venetians* we find amusing

*March*  sing themselves with great Preparations the *Turks* were making on their Frontiers, and took but little Care of the War on this Side, though their Territories were liable to be insulted more and more by both Parties. Indeed, the War seem'd to be somewhat removed from them for the present, by the Declaration of the Duke of *Savoy* in favour of the Confederates: But, to say no more of the Republick, all the Action we meet with here is, that the Grand Prior of *France*, on the 11th, pass'd the *Secchia*, with 10000 Men, and a great Train of Artillery, with a Design as they gave out, to dislodge the *Imperialists* from *Revere*, *Ostiglia*, and *Mirandola*, and the better to succeed in his Design, he was reinforced with Twenty Companies of Granadiers, detached from the *Milaneze* by the Duke of *Vendosme*. These Troops made several Motions, but finding the *Imperialists* on their Guard, they returned into their Quarters without any other Advantage but the Surprizing of about 300 *Germans* in *Concordia*. 'Twas said a Conspiracy was discovered in *Mirandola* about the Time of this March of the Grand Prior, and that the Discovery thereof was the Occasion of his Retreat. However Count *Trautmansdorf*, who commanded the Imperial Troops in the *Mantuan*, since Count *Staremburg* march'd into *Piemont*, being very ill, the young Prince of *Vaudemont* returned thither to command in chief those Forces, with which at present we shall leave him.

In the mean time, the *Germans* having taken Post in *Robbio* and *Rozasco*, in the *Novarese*, the Duke of *Vendosme* soon drove them out. On the other Hand, the Duke of *Savoy*, on the 27th, sent out a Detachment under Colonel *Blagnac* of 400 Men, who march'd all Night directly to *Chaumont*, a little Town in *Dauphine* between *Fenestrelle* and *Suza*, where a Battalion of *French* lay intrenched, with Hopes to have surprized them, but they were discover'd by an advanced Guard, who gave the Alarm to the Garrison. However, marching on to the Town, without firing one Shot, till they were so near, that the *Imperial* Granadiers could put the Muzzles of their Pieces thro' the Palisadoes. There was very brisk Firing on both Sides, till some of the *Savoyards* blew open one

of the Gates with a Petard, and others climb'd over the Walls by the Help of some Rope-Ladders they had brought with them. They soon made themselves Masters of the Place, with the Loss only of 8 or 10 Men, among whom was a Captain of the Grenadiers, and a Lieutenant of the Imperialists, and 56 wounded. About 150 of the Enemy were kill'd, and 80 taken Prisoners, in which Number were reckon'd 2 Captains, and 3 Lieutenants; the rest made their Escape out of a Salley-Port. The Place was plunder'd, and the Booty was considerable, which was sent safe to *Suza*; then marching over Mount *Cenis*, in order to surprize Two Troops of French Dragoons, who lay at *Lanebourg*, at the Foot of that Mountain: They found there Three Troops, and Thirty Foot, whom they attack'd, and killed several of them, and took 2 Lieutenants, 2 Cornets, 2 Quarter-Masters, 2 Brigadiers, 92 Dragoons, and 4 Servants, Prisoners, with 60 Horses. Major *Tbaun* was wounded in this Action, wherein he distinguished himself very much, as he had done before at *Chaumont*. From *Lanebourg*, *Blagnac* marched towards *Tromignone*, to surprize some French Dragoons which were posted there; but they having Notice of this March by a Deserter, made their Escape towards *Bramano*.

While this was doing, the Baron de *St. Remi*, by Order of the Duke of *Savoy*, marched with a Detachment the same Way as did Monsieur de *Blagnac* into *Savoy*, General *Schulemburgh*, with another Body, entred into that Dukedom from the Dutchy of *Aoste*, and other Forces came by the Way of little *St. Bernard*; all which making together about 6000 Men, joined not far from *Aiguebelle*: Upon the Alarm of this Body of Troops being come into *Savoy*, the French that were in that Part, which borders on the Lake of *Geneva*, retired some over the *Rhone* at *Seyffel*, and others over the Lake of *Geneva* to *Verfoye*: Others of their Troops that were posted about *Aiguebelle*, commanded by the Duke de la *Feuillade*, retreated to the Fort de *Barraux*, as did also those that block'd up *Montmeillan*. The Baron de *St. Remi* first visited *Montmeillan*, and gave Directions for storing the Magazines with Plenty of Provisions and Ammunition, and then he advanced with a Detachment to *Chamberi*,

March.  
Savoyards  
take Cham-  
mont.  
27.

*March.* *beri*, the Garrison of which Place being reinforced with a Battalion sent by the Duke *de la Feuillade* from the Fort *de Barraux*, the Baron *de St. Remi* did not find himself in a Condition to attack it, and therefore retired to *Montmeillan*. But this Success was of no long Duration.

We have already mentioned the Neutrality insisted on by the *Switzers* for the Dutchy of *Savoy*, with the Proceedings about it. Now, while the *Switzers* were waiting for a final Answer from the *French Court*, the Envoy of *Savoy* concluded a Negotiation with the Cantons of *Lucern*, *Switz*, *Underwald*, *Zug* and *Glaris*, for a Levy of some Troops for his Master, of which he immediately gave Notice to the Canton of *Bern* by the following Memorial.

*Most Illustrious Lords,*

Envoy of  
*Savoy's*  
Memorial  
to *Bern*.

14.

I Should be remiss in testifying the Confidence his Royal Highness, my Master, has in your Lordships, should I defer acquainting you, that the Laudable Canton of *Lucern* and the Laudable Cantons of *Switz*, *Underwald*, *Zug* and *Glaris*, have granted the Levies I desired in the Name of his Royal Highness; that the Drums have beat up for Volunteers all this Week; that those Cantons shew great Forwardness to succour a Prince, their Neighbour and Ally; and that the Canton of *Ury* is ready to follow their Example. Thus you see the Laudable Catholick Cantons will concur in executing the generous and wholesome Resolutions you shall take, to prevent being surrounded on all Sides by *France*, by obliging them to withdraw their Troops out of *Savoy*, and accept the Neutrality which you have signified to them is so necessary for your Security. 'Tis high time, most Illustrious Lords, to make use of the favourable Opportunity that is offered you of succeeding in this Design: The *French* having so much other Business on their Hands, have few Troops in *Savoy*: Those few that are there have lately felt the Valour of your Country-men that are garrison'd in *Montmeillan*, and will not dare to wait the Coming of those you shall send against them.



‘I will not repeat the Motives that ought to prevail with you to take this Resolution. You are thoroughly affected with them ; You are convinced that your Negotiations with *France* are useless ; you are provoked at the Shifts and Delays with which they endeavour to amuse you, to retard the Execution of a Project that is no less Necessary than Glorious to you ; You cannot but resent the Haughty Carriage of their Ministers towards you ; nor can you forbear thereupon to reflect seriously what you are to expect from a Potentate that treats you with little Decency, at a Time when he ought most to court your Friendship ; and who injuriously reproaches you with the Favours he pretends to have done you, without reflecting that far from acknowledging those he has received from you, he does not so much as perform his Part of the Alliances he has contracted with you.

‘Hesitate no longer, I beseech you, most Illustrious Lords, to take Measures for preserving a Neighbourhood that is so agreeable, and which cannot but be always serviceable to you ; Resolve generously to break the Scheme the Court of *France* has laid to make you Dependant on their Will ; and secure to your Children the Liberty you inherit from your Fathers.

‘I repeat to you, most Illustrious Lords, my Offer to agree with you on any reasonable Expedients to satisfy you that my Master will not attack *France* by the Way of *Savoy*, and that that Dutchy shall be perfectly Neutral. My Sovereign seeks only to remove from your Frontiers the Arms of a Potentate who threatens the Liberty of his Neighbours : ’Tis time for you to set about this Work if you would succeed in it, and to agree together on Means for procuring a lasting Tranquility on the side of *Savoy* ; It depends wholly on you, I offer to enter into a Negotiation with you upon it ; in which Negotiation I flatter my self I shall convince you of the entire Confidence my Master has in you, the Friendship he has for you, and the Value he puts on the Friendship you have for him, and that nothing is dearer to him than such Neighbours as you.

March.

‘For my own part, I hope to prove, most Illustrious Lords, by the Sincerity of my Proceedings, the strong Desire I have to serve you, and to merit your Esteem, &c.

Bern, March 14. 1704.

Mellaredo.

On the other Hand, the *Sieur de Courten* Envoy of the French King to the *Valezans*, endeavoured to terrifie them, and oblige that Nation to refuse Passage to the Imperial Recruits and the New Lives made in *Switzerland* for the Duke of *Savoy*, and likewise to reject the Proposal made unto them on the Part of his Royal Highness that they would take under their Protection the Dutchy of *Aosta*, according to their Treaties of Alliance with him. The *Valezans* being Masters of the only Passages that were left, since the French had Conquered *Savoy*. Now to Assist that Prince on the side of *Germany*, it was highly important to cross the Intrigues of the French Envoy, and therefore the Duke of *Savoy* sent the Chevalier *de Reding* a Native of *Switzerland*, Lieutenant-General in his Service, to take care of his Interest with that People. And that Gentleman having presented a Memorial to the *Valezans* on the Subject matter of his Commission, tending to exhort them to take *Aoste* under their Protection, and let their Passages open for Troops and Recruits that should March to the Assistance of his Master. *de Courten* and a *Valezan* by Birth, presented an Answer to that Memorial which obliged the Chevalier *de Reding* to reply as follows :

Magnificent and most Illustrious Lords,

*Savoy's*  
Memorial  
to the  
*Valezans*.

I Should be unjust to the strict Alliance betwixt my Country and yours, If I did not reply to the Memorial presented you by a French Minister since my departure, and if I did not represent to you that it is filled with Maxims contrary to your present Interest, and to that high Reputation which you and all the laudable Cantons have acquired by the Just, Wise and Vigorous Measures, which you have always taken when your Country was exposed to any danger ; and I am perswaded that your penetration and profound Wisdom must immediately have discovered, that

that the Sentiments he endeavours to possess you with, are as dangerous to your Liberty as destructive of your Glory.

Can any thing more reflect upon your Honour, than to tell you to your Face, that you are thought capable of forgetting the Publick Welfare, and also that Care which is so necessary in this pressing Con- juncture to preserve your Liberty, for the sake of a base particular Interest, which *France* upbraids you with every Day, and which she only allows you, in order to extort from you more Service than what you are obliged to by your Alliance, and which furnishes them with Means to accomplish their vast and Ambitious Designs; may Heaven prevent that after being intoxicated with the poisonous Charm of their dangerous Benefits, we don't become their Victim at last.

Can they make a greater Invasion upon your Sovereign Liberty, or make a bolder Attempt to blind your Eyes, than by offering to perswade you, that you cannot receive into your Protection a Neighbouring Province, which secures your Dominions, and which is now the only open Door by which you can entertain a Communication with a Prince your Ally; and, in short, the only Barrier which prevents your being entirely surrounded by a formidable and insatiable Potentare, while at the same time he not only extorts Services from you, as I have said already beyond what you are obliged to by Alliance, but makes use of your Troops to deprive your Allies of their Dominions, to invade those that did you no Hurt; and, in a Word, to put all *Europe* in Chains.

And does not this plainly detract from your Glory, make your Sovereignty dependent and precarious, subject to his Will, dishonourably tie up your Hands, and impose Laws upon you in your own Country, to maintain that you cannot take the Dutchy of *Aoste* into your Protection without the King's Permission? Can you hear such a Proposition, Magnificent and Illustrious Lords, without the Height of Indignation? Is not this to tarnish before your Face the Glory of your Illustrious Ancestors, and to condemn with Impunity the Examples which they have left you on many Occasions? You are not ignorant of them, and it's needless for me to name them, since the Minister

*March.* Minister of *France* has quoted you one of them in his own Memorial.

But I am, indeed, surprized, Magnificent Lords, that they should dare to say, the Protection you grant to the Dutchy of *Aoste*, will not secure you the Possession of it, this is an Arraignment of your Honesty, and a plain Design to make the Duke of *Savoy* distrust you. Could they not perceive, that instead of possessing you with such an unjust Thought, it would occasion you to reflect on the Genius of *France*, which never gives Protection to any but with a View to despoil those who have the Misfortune to trust them ; it's plain to the World, that they make Alliances only to aggrandize themselves, and even to invade the Countries of their Allies, as soon as by their Assistance they are put in a Condition to do it, as his Royal Highness finds this Day by sad Experience. *France* never wants Pretences, and cares not whether they be well or ill grounded, if she can but make them plausible, and deceive her Neighbours by mixing Truth and Falshood.

Thus, at present, she publishes a Hundred ridiculous Stories, to perswade the World, that the Duke of *Savoy's* Conduct gave just Cause for the Violences they have committed against that Prince ; but do the *French* Ministers think it's enough to charge him with being unfaithful ; do they suppose the World will believe them without producing Instances ? No, but having none to give, they speak in general Terms ; they will not come to Particulars for fear of being catch'd, but fill the World by means of their secret Emissaries with a Hundred false Suppositions, I shall instance in one. To colour their Ingratitude in seizing his Royal Highness's Auxiliary Troops, they said, They were obliged to come to that Extremity, because their Ambassador at *Lisbon* sent them word, that the King of *Portugal* at an Audience had shew'd him a Treaty between the Emperor and his Royal Highness, and this Invention, tho' notoriously false, made the designed Impression upon credulous People. One would think publick Ministers should take care how they advance such Things, since they knew we could prove, that the *French* Ambassador had not his first Audience of the King of *Portugal* till some Days



Days after the Duke of *Savoy's* Troops were disarm'd, some familiar Spirit must have brought this News from *Portugal* to *Paris*, and carried the Order from thence to the Duke of *Vendosme*, who received it in the *Trentin* a long time before M. de *Chateauneuf* arrived in *Portugal*.

I forgot, my Lords, to observe, that the *French* Minister says, You ought to consider that *France* and *Spain* are the only Powers capable to protect you against the Enemies of your Liberty. I would very fain know, my Lords, who they mean by the latter, except it be those Two Crowns themselves; Is it the Laudable Cantons, or is it his Royal Highness? For you have no other Neighbours. Could he not to this, which is so unjust on the one Hand, and so improbable on the other, add, That you could not rely so much upon the Assistance of his Royal Highness, of which you had so many Proofs, nor upon your Brethren the *Swiss* Cantons, of whom you are so well assured, as upon those Two Kingdoms, of whom the one is so weak, and so very remote, that he was never able with his own Troops to keep his Dutchy of *Milan*; and the other is so much suspected, that there's no People in the World can trust his Auxiliaries, or care to have him for their Neighbour. Be pleased to observe how they threaten to cut off the Benefits you receive from *France*, and the Salt, which you may have from others at the same Price, if you do the least Thing contrary to their Interest, though necessary for your own Safety. If they dare to speak and impose upon you in this manner, whilst you can withhold the signal Services you do them, whilst they are remote from you, and while you are in a Condition to shew that you are Sovereigns, and to give and receive Assistance from your Allies; judge how they will treat you, when once they have block'd up you and all the Laudable *Helvetic* Cantons, which God avert.

The *French* Minister would perswade you to hinder the Passage of Troops, who march in small Numbers and without Arms through your Country, to guard a Prince, your Ally, from being invaded by the King of *Spain*, with whom you have no Concern, and at the same time *French* Troops march through your

*March.* Country, without your Leave, in the King of Spain's Name, with whom you have no Alliance, to invade the Duke of Savoy, your next Neighbour and Ally, and whom its so much your Interest to preserve: This is, indeed, to abuse your Patience. But he has Recourse to the specious Pretext of Religion, a Means that *France* made use of a long time to sow Disorder among the Cantons, to prevent their seeing the true State of Affairs, and to hinder their taking joint Measures for their common Safety, according to the Maxim of the famous Politician, *Divide & Impera*; and while he charges the Allies with the Troubles in the *Sevennes*, he says nothing of the fatal Rebellion he has raised in *Hungary*: Certainly he should have held his Peace in this Matter, if he would not revive the Memory of his occasioning the last *Ottoman War*, which brought *Christendom* to the Brink of Ruine. I cannot but take Notice of the *French Minister's* Question, *Where are the Benefits you have ever received from the Protection of his Royal Highness?* I know, Magnificent Lords, you are not capable of forgetting the History of Col. *Kabbermatter*, nor the Efforts of the Duke of *Savoy*, and even the present glorious Princes, for your Liberty and Religion, upon the least Request of your Lordships, or of the Cantons your Allies: That Minister must be ignorant of this, when he puts such an infinite Value upon the Services of *France*, though they never did any such Service for you, nor, indeed, any thing, as you well know, but for their own Interest, for which you pay dear by a prodigal Effusion of your Blood every Day, and which you don't merit even by the Services you do them beyond what you are obliged to by your Alliance. All that the *French Minister* says tends only to divert you from opening your Eyes to see your own Danger, to hinder you from taking Measures to prevent being surrounded by one Potentate, and to dissuade you from accepting the Guarrantee of the *Dutchy of Aoste*. He makes use of all sorts of Tricks and Diversions, he blackens a Prince whose Valour and Vertue is admired by all the World; he threatens you, he makes you romantick Promises, he would inspire you with a servile Fear, which equally detracts from your Liberty and your Honour. But I am perswaded, that your

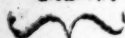
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consummate Wisdom will prevent your falling into those Snares, that you will persist in the Resolves you made in your Dyet, and put the same in Execution without Loss of Time, since the Danger is pressing; and if they alledge, that none of the Cantons will enter into the Engagements, I dare on the contrary promise, that you shall be supported, and that more of the Cantons than one, being sensible of the Danger of the Approach of the *French*, will give you powerful Assistance.

I shall only, my Lords, give you one fresh Instance, the Duke of *Modena*, who is a Sovereign Prince, and by Consequence Master of himself, acknowledged *Charles III.* as King of *Spain*, for which he had all the Reason in the World: This is his only Crime. He gave no manner of Assistance to the House of *Austria*, committed no Hostility, nor entred into any Alliance against *France*, yet they have despoil'd him of his Dominions, confiscated and sold his Effects and Moveables, and those of a great Number of his Subjects, only for retiring to Countries where they might be free from the Calamities of War; and to crown the Work, they have divided his Dominions betwixt *France* and *Spain*; so that the latter makes it no Mystery to declare to all *Europe*, that she has a mind to settle her self in *Italy*, and should not this violent Procedure amaze all People at the Approach of a *French* Power? Consider this Event as you ought, *France* cannot yet make you feel the Effects of her Ambition, but she will gain Ground every Day, and amuse you in the mean time by her dangerous Benefits, which she values so high, to hinder you from perceiving your Danger; so many Examples give you just Cause to fear, that after having encompass'd you on all Sides, and subdued your Neighbours and Allies, and those Princes who have kept up a Ballance in *Europe*, and taken care of the common Safety, she will at last Reward your Services with the Favour the *Cyclop* promised *Ulysses*.

I dare promise my self, my Lords, that you will judge those Reflections worthy of your Thoughts, and that you will be perswaded that nothing in the World could make me speak thus, but Zeal for the Liberty of my dear Country, which cost your illu-

*March.*



strious Ancestors and mine so much Trouble and Blood: and that you will not suffer your selves to be frightened, whilst you are in a Condition, not only to save your selves, but to give Laws to those who already threaten and would impose Laws upon you. It is in your Power, if you please, to raise your Glory so high, as may convince the World, that you are worthy of your Ancestors, and that you inherit their Prudence as well as their Valour. It shall ever be my Ambition to testifie to the World the singular Veneration I have for you, and the strict Obligation I am under to be,

*Magnificent and most Illustrious Lords,*

*Your most Humble, most Obedient,*

*And most Obliged Servant,*

Le Chevalier de Reding.

*French  
Envoy's  
Letter to  
Bern.*

16.

We shall find in the Sequel of this History, that the *Valezans* either could or would do nothing in favour of the Duke of *Savoy*. In the mean time, the *French* Ambassador, on the 16th, wrote a pressing Letter to the Canton of *Bern*, to desire, in the Name of his Master, that he might be allow'd to raise a Regiment consisting of Three Battalions, according to the Treaty of Alliance. He told them, that he was empower'd to offer them some Conditions, which could not be but very acceptable to them, and was order'd to assure them, that his most Christian Majesty would revive the Treaty concluded in 1692. about Salt, from which the said Cantons would every Year receive a considerable Advantage. This Letter was writ in the most insinuating Stile the Marquess of *Puisieux* was Master of; and attended with large Promises, and strong Assurances of his Master's Affection for the *Helvetic* Body, and in particular for the Canton of *Bern*; but the Levy demanded by *France*, being a Thing of the nicest Nature, especially seeing the most Christian King had not yet return'd any Answer on the Neutrality of *Savoy*, so positively insisted upon by the *Switzers*, the Canton of *Bern* thought fit to return no Answer, and imitate the Example of the

*French*



*French Court.* This Silence a little mortified the *March.*  
 Marquess of *Puisieux*, who suspecting the true Cause  
 thereof, writ to the Canton of *Bern* another Letter  
 on the 26th, inlarging on the subject Matter of his  
 former, and to dispose them to give him an Answer,  
 he communicated to them a Copy of the Letter of  
 the same Date, which he wrote to the Canton of *Zu-*  
*rich* on the Affair of *Savoy*, both which here follow:

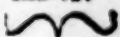
*Magnificent Lords,*

A Few Days ago I wrote to you to desire, on the  
 Part of the King my Master, the Levy of a  
 Regiment in your Laudable Canton. You have not  
 return'd me an Answer on that Affair, and I beg you  
 to let me know your Intentions about it as soon as  
 possibly you can. Not doubting your Compliance  
 with my Request, I send to you the Chevalier de  
*Lumage*, who is fully instructed to treat of Terms  
 for this new Regiment, to whom I desire you to give  
 as much Credit as to my self, whatever he shall pro-  
 pose in my Name. I am perswaded by many Rea-  
 sons, that you will not refuse this Levy to his Ma-  
 jesty, who will gratefully acknowledge it: But if  
 you should not comply with the Request I have made  
 you in his Name, I am perswaded his Majesty will  
 be extreemly surprized at such a Refusal, especially  
 at a Time when Troops are almost publicly  
 raised in your Territories for the Duke of *Savoy*, with  
 whom you have no Alliance; at a Time, in short,  
 when your Burghers and Subjects shew publicly  
 the Commissions they have taken to enter into the  
 Service of that Prince; whence it appears, that  
 if you have not directly consented to it, you have  
 tacitly signified, that you do not look upon those  
 who have taken such Commissions to have done an  
 Act of Disobedience to you. 'Tis not without  
 Cause, Magnificent Lords, that I make this Repre-  
 sentation to you; for I have just received a Letter  
 from the King, by which I am surprized to find,  
 that his Majesty is better inform'd of what has  
 passed in your Territories in this Affair, than I,  
 who reside but Six Leagues from your Capital City.  
 I had the Honour to write to you, to desire you  
 would give very strict Orders for hindring the  
 Raising

Another  
 to the  
 same a-  
 bout a  
 new Levy.  
 26.

March.

' Raising of Troops in your Canton for the Duke of  
 ' Savoy. as you had often assured me you would ; but  
 ' his Majesty tells me, that your Orders have been  
 ' ill executed, seeing it was certain there are Two  
 ' Regiments in *Piedmont*, that were raised in your Ter-  
 ' ritories. His Majesty adds, that he has received a  
 ' List of the Officers that serve in those Regiments;  
 ' that they did not get into *Piedmont* secretly; that  
 ' no Person will question the Truth of this last Af-  
 ' fersion. who shall inform himself in what Manner  
 ' the Passages out of your Country into the Country  
 ' of *Valais* are guarded; for upon Enquiry it would  
 ' easily be found, that no Care is taken to examine  
 ' what Number of listed Soldiers pass that Way, and  
 ' that none are stopt from passing. Wherefore, the  
 ' King has order'd me to put you in mind of the  
 ' Eighth Article of the Perpetual Peace, which is  
 ' confirm'd by the Thirteenth. Permit me, Magnifi-  
 ' cent Lords, to intreat you to reflect seriously upon  
 ' it; and to ask you, whether it becomes you, who  
 ' are otherwise so careful to see your Orders obey'd,  
 ' to suffer one of the principal Articles of the Perpe-  
 ' tual Peace to be broken? When that Peace does not  
 ' so much as allow you to grant a Passage to his Ma-  
 ' jesty's Enemies; and less, consequently to suffer to  
 ' be raised in your Territories (in spite of your own  
 ' publick Prohibitions) Troops to serve against a  
 ' Prince your Ally, who daily gives you new Marks  
 ' of his Esteem and Consideration, and endeavours  
 ' with all possible Care to keep up a perfect good  
 ' Understanding with you. 'Tis easie for you, Mag-  
 ' nificent Lords, to remedy this Abuse, and to keep  
 ' a stricter Eye upon those that slight your Orders;  
 ' they are in your Dominions; most of them were  
 ' born your Burghers. or your Subjects; and you may,  
 ' if you please, make them own the Truth of what I  
 ' have said. You are absolute Masters in your own  
 ' Dominions, and besides are wise and clear-sighted;  
 ' so that I am in no further Apprehension concerning  
 ' this Matter. I will only add, that after what has  
 ' passed in your Canton in favour of the Duke of Sa-  
 ' voy, you should refuse the King the Regiment he  
 ' demands; you will shew such a Partiality as his  
 ' Majesty has no Cause to look for. But I repeat to  
 ' you



'you once more, that if you give him the Satisfaction  
'he expects on this Occasion, you will receive all the  
'Marks you can reasonably desire of his Acknow-  
'ledgment : For I can assure you his Majesty wishes  
'you would engage him by Proofs of your sincere  
'Affection, to give you solid Marks of his Royal  
'Kindness. I pray God to maintain you in Pro-  
'sperity, &c.

Soluthern, March 26. 1704.

*Puisieux.*

'Tho' I make no doubt the Regents of Zurich will  
'communicate to you a Letter I have written to the  
'Helvetick Body ; yet I am glad of an Occasion, Mag-  
'nificent Lords, to send you a Copy of it, to shew  
'the particular Consideration I have for you.

*Magnificent Lords,*

'YOU know, that when your Deputies desired me *French*  
'in the last Dyet to obtain of the King my Ma- *Envoy's*  
'ster a Neutrality for Savoy, I asked them, on what *Letter to*  
'Foot you expected that Neutrality ; whether you *Zurich.*  
'meant, that that Province should be restored to the *26.*  
'Duke of Savoy, and that his Majesty should with-  
'draw his Troops out of it ; or whether you designed  
'to have it guarded by your own Troops ? I de-  
'manded likewise, in case one of the last Expedients  
'should be agreed on, whether you would engage  
'your selves to be answerable for all the Inconveni-  
'ences that might ensue, and make good all the Da-  
'mage his Majesty's Territories might receive there-  
'by. The Assembly broke up without giving me  
'any Answer, and presently after I dispatched Mon-  
'sieur de St. Colombe to the King, to give him an Ac-  
'count of what passed in the Dyet that was held  
'here, and to know his Majesty's Resolutions there-  
'upon. The King has done me the Honour to signi-  
'fie to me by a Letter I just now received, that he has  
'kept Monsieur de St. Colombe all this while, with  
'Design to send by him Orders for me, according to  
'the Answer you should give to the Questions I put  
'to your Deputies in his Name ; but he adds, that  
'seeing you have not yet declared on what Foot  
'you would have that Neutrality, and consequently  
'that

*March.* 'that I could not inform him of your Intentions a-  
 bout it; he is about to send back the said Monsieur  
*de St. Colombe* to me. At the same time, his Maje-  
 sty orders me to demand without Delay, Magnifi-  
 cent Lords, your Resolutions touching that Neutra-  
 lity; and to tell you on his part, that as soon as  
 you have fully explain'd your selves on that Affair,  
 he will immediately make known his Intentions to  
 me by an express Messenger. I thought my self  
 obliged not to defer one Moment to inform you  
 of this, to the End you may take your Mea-  
 sures, and determine what Answer you would have  
 me return on your part to the King my Master.  
 I am, &c.

Having hinted before, that *Bern* paused upon an  
 Answer to the *French* Ambassador about a new Levy,  
 the Chevalier *de Lumage*, his Agent, being now ar-  
 rived at *Bern* to receive their final Answer, the Coun-  
 cil, after a long Debate, resolved to make this Re-  
 turn, 'That his Excellency the Ambassador of *France*  
 'should be desired to consider, that their Canton  
 'found themselves in so dangerous a Juncture, either  
 'by the Danger of seeing themselves surrounded by  
 'a Potentate alone, or by Reason of the War round  
 'about them, that they did not think it prudent to  
 'part with their Men, and weaken their Militia;  
 'and besides this weighty Consideration, they thought  
 'they could not return a direct Answer about the Le-  
 'vies desired by his Majesty by Virtue of an Alliance,  
 'which could not be granted without the unanimous  
 'Consent of the whole *Helvetick* Body. It was then  
 told us, that *de Lumage* appeared not only in the ut-  
 most Consternation when that Answer was deliver'd  
 to him, but dropt some uncivil and unwarrantable  
 Expressions, which were like to occasion a great deal  
 of Heat, but he explain'd his Meaning, and pretend-  
 ed that he did not design to reflect in the least upon  
 the Laudable Cantons, whereupon all was pacified,  
 and that Gentlemen went away to *Solusbern*, after ha-  
 ving been magnificently entertain'd at *Bern* on the  
 part of the Canton.

Things



Things remaining in this fluctuating State in Switzerland, we proceed to Vienna. We observed before, that the Emperor had accepted of the Mediation of England and Holland for accommodating Matters in Hungary, in Pursuance of which Monsieur Bruynieux, Envoy Extraordinary of the States-General, set out from Vienna on the 4th for Presburgh, to set the Negotiations on Foot, and arrived there the 6th. Count Berezeni having Notice thereof by an Express, sent a strong Detachment to meet his Excellency, and received him at his Head Quarters at Tirnau, with all imaginable Demonstrations of Respect; his Forces being drawn up, Drums beating, and Colours flying. The Ceremony being over, the Envoy made his Proposals to Count Berezeni, and made him a lively Exhortation to lay hold of that Opportunity to make a lasting Peace; concluding, that sure Terms were to be prefer'd to the Uncertainty of War, and that the Emperor made such Preparations, that if this Opportunity was neglected, his Imperial Majesty, perhaps, would not admit of any Foreign Princes to interpose themselves as Mediators, and less still as Gurrantees between him and his Subjects. But Count Berezeni did not think fit to tell his Opinion on the same, and contented himself to answer the Envoy, That he and his Country-men were very much obliged to Her Majesty of Great Britain and the States; that he in particular was sincerely disposed to contribute his utmost to the Pacification of those Troubles, but could not give him any other Answer till he had concerted the same with Prince Ragotski and others, but would not lose any Time to let him know their Sentiments. The Envoy return'd under a very good Guard to Presburgh, and from thence to Vienna, where he gave the Emperor an Account of his Conference with Berezeni in Writing, which occasion'd several Councils, and the Imperial Court judging thereby, that the Malecontents promised themselves a great Assistance from the French and Bavarians, and were not so well disposed to an amicable Accommodation as was expected, Orders were given to redouble the Preparations against them, and the Generals Heister and Palfi were order'd to march directly to drive them

*March.* them from the Posts they had possess'd on the Frontiers.

*Hungarian Malecontents unsuccessful.*

The Malecontents having notice thereof, resolved likewise to shew more Vigour than ever, to let the Imperial Court see that they were not discouraged, and ought not to be despised. In order thereunto, they made, on the 22d. an Excursion almost to the Gates of *Vienna*, and plundered several Villages, which put the Inhabitants of the Suburbs of that City into such a Consternation, that they quitted their Houses to retire into the Town, but the 24th. the Malecontents retired with the Booty they had got. This Attempt obliged the King of the *Romans* to order a Line to be cast up for the better Security of the Suburbs, and neighbouring Villages of *Vienna*. But the Malecontents were not so Prosperous in other Places. The Garrison of *Canischa* made a Sally upon them the 9th. and killed 200; next Day they were repulsed by the Militia of *Croatia*, with the loss of 300 Men, and forced to retire from the Isle of *Ciacathurna* by General *Palsi*, leaving a 1000 Men killed on the Spot. On the other side, General *Heister* defeated Count *Caroli* near *Petsch*, killed 600 Men on the Spot, and took Four Pieces of Cannon. They rallied at *S. Nicholas's* on the *Raab*, but were beaten a Second Time, and their Foot was either cut in Pieces or dispersed; so that Count *Caroli* had much ado to save himself with his Cavalry. It was computed they had 700 slain on the Spot, and as many drown'd either in the Lake of *Neufidel*, or in the River *Leita*, besides the Loss of several Pieces of Cannon and some Colours. About the same time, the Emperor having issued out a new Pardon to the Malecontents that should return to his Obedience within Fifteen Days, commencing the 25th. Instant, the Five Chief Counties in the Lower *Hungary* submitted, and the same Pardon being offered to a good Body of Malecontents, Commanded by the *Sieur Niski*, they laid down their Arms, and returned Home, except 2000 who listed themselves in the Emperor's Service.

As for what concerns *Poland*, we should have observed before, that The Majority of the Deputies to the Confederate Congress, appearing dissatisfied with the Continuation of the Vexations committed by the

*Swedes,*

Swedes, the Cardinal Primate promised to represent the same in a Conference to General Horn, the Swedish Envoy, and on the 27th. of February, the Members of the Dyet proposed that his Eminence should report the Success of that Conference. This Motion was hardly made, when the Cardinal-Primate produced several Letters from the Chancellor of *Lithuania*, giving an Account of the Proceedings of that Council, and amongst other Things, that the King had communicated several intercepted Letters from the Cardinal, Prince *James Sobieski*, Monsieur *Tawzanski*, and the Palatine of *Pozen*, whereby it appeared that they had long ago formed a Design against the King, and that the Cardinal had advised the King of *Sweden* to march into *Saxony*. His Eminence, and the other Persons mentioned therein, disowned to have written such Letters, though they declared that the Contents thereof might be easily justified, and that every good Patriot ought to wish that the Seat of the War was in *Saxony* rather than in *Poland*. The 1st. of March they read a Decree of the Council of *Cracow*, whereby they were declared Perjured Rebels, which Occasioned violent Speeches, and the Primate amongst others, signalized his Zeal against King *Augustus*, whom he represented as an Ambitious Prince, who had endeavoured by several Facts, which his Eminency alledged, to subvert their lawful Constitution, and set up an Arbitrary Power, The 3d. the Dyet appear'd to be in a great Consternation upon the News of the seizing of the Princes *Sobieski*; and several Motions were made relating to the Liberty of those Princes, and the Security of the Primate, the Marshal and other Members of the Confederacy, To little purpose. The 4th they met again, but came to no Resolution, and adjourned to the 6th. when the Deputies sent to the Generals of the Crown, reported, That they had declared their Intentions to joyn with the Confederates, seeing there was no other Way to preserve the Republick, than by a strict Union. However the Deputies growing weary of their long Meeting, the Cardinal Primate made a Pathetical Speech to desire, them not to be absent themselves. The 8th. they met again, and were much alarm'd with the Advice they received from *Cracow* and *Sandomir*, that

March.

44 Companies of the Army of the Crown had declared for the King, and together with their Great General had taken a new Oath of Fidelity. The 10th. the Congress lasted but a little while, the Deputies being gone to meet the Great Marshal *Lubomirski*, who arrived with some Companies. The 14th. the Dyet met again, and on the 15th. it was moved to publish the *Interregnum*, but the Majority of the Deputies opposed the same, and insisted, That before they made that Step, it was necessary to conclude the Treaty with the *Swedes*. The 17th. the Cardinal, and the Great Marshal *Lubomirski*, received some Letters from the King of *Sweden*, which requiring a speedy Answer, the Congress adjourned till the next Day, and the Palatine of *Pozen* was dispatched the same Day to his *Swedish* Majesty. But meeting and adjourning on the 18th to the 2d of *April*, we shall defer saying any more of them in this Place. As for King *Augustus*, he retired from *Cracow* upon the Approach of a Body of *Swedes* to his Confederate Friends at *Sandomir*, and from thence to *Pietrowin*, to make all possible Preparations to oppose his Enemies, while the *Swedes* took Possession of *Cracow*, and more particularly writ a preilling Letter to the Regency of his Electorate of *Saxony*, to exhort them to provide for their own Defence, and Repair and Augment the Fortifications of their Towns, his Majesty having received Advice, That if the Confederated Nobility could perswade any Prince to stand Candidate for the Crown of *Poland*, the *Swedes* would endeavour to march into *Saxony*, in order to oblige his Majesty to quit *Poland* to the New Elected King, and come to the Assistance of his Hereditary Countries. The Regency accordingly resolv'd to put themselves in a posture of Defence, their Troops being ordered to be compleated with all imaginable speed, and were to Encamp on their Frontiers. Besides this Precaution his *Polish* Majesty ordered his Minister at *Ratibonne* to present the following Memorial to the Dyet, on the Danger his Electorate might be exposed to.



The Manifesto of his Sacred Majesty the King of Poland, *March*  
 against the Conventicle at Warsaw, conven'd and as-  
 sembled perfidiously and against the Laws of the Coun-  
 try, by the Cardinal Radziowski, Primate of Poland,  
 and his Adherents; presented to the Estates of the Holy  
 Roman Empire in the Dyet at Ratisbonne, by the  
 Count of Werther deputed to the same Dyet by his Po-  
 lish Majesty and Electoral Serenity of Saxony, in the  
 Year 1704. and communicated to them the 15th of March  
 the same Year.

THE World is already informed how, under the Title of a certain Confederacy, a small Number of Polish Conspirators, (governed by Cardinal Radziowski, in a Manner little becoming the Eminent Character he is invested with,) have undertaken, contrary to their Oaths plighted to his Sacred Polish Majesty, not only to refuse to render him that Obedience, Allegiance, and Respect they owe to him, but likewise, without any lawful or just Cause, to deprive him of his Crown and Scepter, by I know not what pretence of Dethroning him, contrary to all Laws Divine and Human, without any President yet heard of in *Christendom*, and not without exposing their own Inconstancy and Giddiness. Now altho' his Sacred Majesty, placing his confidence in the Almighty, hopes, that by his just Help and the Assistance he expect from his Grace, as also by the Faithful Aid of so great a Number of Senators, Grandees, and Palatinates of *Poland* and *Lithuania*, that adhere to his Majesty as their lawful King and Lord, and likewise by the Assistance and Troops of his most powerful Allies, he shall be able to frustrate such criminal Attempts, which deserve the utmost abhorrence of all Crown'd Heads, seeing they tend to the great Prejudice and Contempt of Princes and Republicks, whose Posterity ought to dread the Imitation of such a President, and that in good Time he shall punish the Rebels as they have justly deserved; yet he seems to be under an indispensible Necessity of laying before all the World, and particularly before Sovereign Potentates and Republicks, the Enormity of this horrid Design, the very Thought of which

Manifesto  
 of the K.  
 of Poland  
 to the  
 Dyet at  
 Ratisbonne  
 15.

March.

which is enough to cause Trembling and Horror; for by this pernicious Enterprize, Divine and Humane Rights, nay, all the Laws of Nature are broken; Liberty, that excellent publick Good, violated; Faith, which is the Band of Society, dissolved; the Sovereign Majesty of Crown'd Heads, which is as a Ray issuing from the Divine Majesty, maliciously trampled under Foot; and a Door open'd to all manner of Crimes; without mentioning at present the Christian Blood, which will doubtless be shed on this Account, nor the Desolation and Ruin to which the whole Kingdom of *Poland* and the Great Dutchy of *Lithuania* will be miserably expos'd. His Majesty therefore could not refrain notifying to this Illustrious Dyet of the Holy Roman Empire, this horrid Crime, which cannot be expiated, and into which some Rebels have been drawn by love of Novelty, and ardent Passion of Revenge, and the detestable advantage of present Profit, tho' accompanied with several very great Dangers; in the firm hope that all Christian Princes, and especially *his most Sacred Imperial Majesty, and the States of the Roman Empire*, will be very ready powerfully to defend the Rights of Princes, and employ all the Power and Authority God has entrusted them with, to frustrate this Attempt, which is already so generally detested; especially if, contrary to all Hopes, the Fire hid under deceitful Ashes break out into an open Flame, and that the infamous Conventicle of *Warsaw*, assembled under malignant Stars, which his Majesty declares and solemnly protests to be illegal, and of no Force, should proceed so far, forgetting their Oaths of Allegiance and Loyalty, and run into that Height of Madness, as obstinately to insist on the Election and Proclamation of a new Aspirer to the Royal Dignity; in such a Case, his Majesty assures himself, that his Imperial Majesty and the other States of the Empire will regard that Aspirer as an Abortive untimely brought forth, and as an unlawful Birth, and will never own him for King of *Poland*; but that on the contrary they will exhort him seriously to do his Duty, and to make a voluntary Acknowledgment of so great a Fault, and that at the same time they will



'will not suffer his Majesty's Hereditary Provinces of  
'Saxony to be attack'd by his Enemies under any  
'Pretence whatever, that by this means no more Fuel  
'be added to the Flames, which have already spread  
'too far; but on the contrary, that they will observe  
'the authentick Order and Disposition of the Year  
'1702. made by his sacred Imperial Majesty, confirm-  
'ed and concluded by the Empire, *That all those*  
'*that undertook any such Thing, or who, during this War,*  
'*should dare to trouble the Repose of any Elector or State*  
'*of the Empire, should be reckon'd Enemies to the Empire,*  
'*and by Virtue of the above-mention'd Imperial Decree,*  
'*should be efficaciously repulsed with common and sufficient*  
'*Force, as if this Hostility were done against his Imperial*  
'*Majesty and the other States.*

'It's known to all the World with what Zeal and  
'Love to his Country, which can never be enough  
'commended, his *Polish* Majesty formerly laid to  
'Heart the publick Good, and brought a speedy and  
'potent Assistance for its Advancement, neglecting  
'his own Interest. For any one may easily see what  
'will be the Danger into which the *Roman* Empire  
'will be brought, if this Handful of Rebels should  
'accomplish the least part of the Design they propose  
'to themselves, since 'tis plain, that the said Cardinal  
'has so great and capital a Hatred against his Maje-  
'sty, and differs from him only because his Majesty  
'would not embrace the Interests of the Court of  
'France in this present War, and refused to hearken  
'to their fair Promises; whereas that Prelate and his  
'Party depend entirely on the Will of that Court,  
'and he keeps up his Party only for their Aid, and his  
'Suggestions, that he has sacrificed to their Advan-  
'tage all his Fortune and Honours, and that all his  
'Councils had no other End, but to favour the Efforts  
'of France. Things being thus, his *Polish* Majesty has  
'less Reason to doubt of the Assistance of the Holy  
'*Roman* Empire, who will thereby do not only a ve-  
'ry laudable and commendable Action, but will also  
'put a Stop to the intended Mischief, procure the  
'Good of *Germany*, which is already afflicted enough,  
'and will divert elsewhere the Dangers that threat-  
en it.

R

' His

March.

‘His Polish Majesty on his part declares and solemnly promises, that after he shall, by the Help and Assistance of God, have restored Peace, and overthrown the Designs and Councils of this mutinous and factious Conventicle, he will endeavour out of his singular and incredible Love to Germany, his Native Country, to preserve its ancient Liberty, and procure it a firm and honourable Peace; that he will employ all the Power the Great God has given him, and will do all that in him lies to advance the publick Good, and will not refuse to expose himself to the greatest Extremity for that End.

We have nothing to retard our Return Home once more, but just to mention that the *French Troops* under *Villeroy* on the 31st, as suddenly repair’d the Lines in the *Netherlands*, as the *Count de Noyelles* had demolished them in *December* last.

April.

We find the Queen of *England* on the 3d Instance came to the House of Peers, and was pleased to give the Royal Assent to

Queen  
signs Acts.  
3.

An Act for granting to Her Majesty an Additional Subsidy of Tonnage and Poundage for Three Years, and for laying a further Duty upon French Wines, condemned as lawful Prize, and for ascertaining the Values of unrated Goods imported from the East-Indies.

An Act for the better securing and regulating the Duties upon Salt.

An Act for the more regular paying and assigning the Annuities, after the Rate of Three Pounds per Centum per Annum, payable to several Bankers and other Partes, or these claiming under them.

An Act for the making more effectual Her Majesty’s gracious Intentions for the Augmentation of the Maintenance of the poor Clergy, by enabling Her Majesty to grant in Perpetuity the Revenues of the First Fruits and Tenths, and also for enabling any other Persons to make Grants for the same Purpose.

An Act for raising Recruits for the Land Forces and Marines, and for dispensing with part of the Act for the Encouragement and Increase of Shipping and Navigation during the present War.



An Act for the further Explanation and Regulation of the Privilege of Parliament, in relation to Persons in publick Offices. April.

An Act for the Discharge out of Prison of such insolvent Debtors as shall serve, or procure a Person to serve, in Her Majesty's Fleet or Army.

An Act to Enlarge the Time for the Purchasers of the Forfeited Estates in Ireland to make the Payments of their Purchase-Money.

An Act for prolonging the Time by an Act of Parliament made in the First Year of Her Majesty's Reign, for importing Thrown Silk, of the Growth of Sicily, from Leghorn.

An Act for Raising the Militia for the Year One Thousand Seven Hundred and Four, notwithstanding the Month's Pay formerly advanced be not repaid.

An Act for better charging several Accountants with Interest-Monies by them received, or to be received.

An Act for punishing Mutiny, Desertion and false Musters, and for the better paying of the Army and Quarters, and satisfying divers Arrears; and for a further Continuance of the Power of the Five Commissioners for examining and determining the Accounts of the Army.

And to 22 Private Acts.

After which Her Majesty made a most gracious Speech to both Houses, which follows:

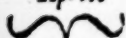
My Lords and Gentlemen,

I Cannot put an End to this Session, without returning you Thanks for the Willingness which you have all expressed to support and assist Me in continuing the present War. Queen's Speech in Parliament.

And I must thank you, Gentlemen of the House of Commons, very particularly, for the great Forwardness and Zeal which you have shewn, both in the early Dispatch of the Supplies, and in making them so effectual for carrying on the Publick Expence, without any Additional Burthens upon the Country: It shall be My Care to improve this to the best Advantage.

*My Lords and Gentlemen,*

*April.*



‘ At the Opening of this Session I did earnestly express My Desires of seeing you in perfect Unity among your selves, as the most effectual Means imaginable to disappoint the Ambition of Our Enemies, and reduce them to an honourable and lasting Peace; and though this has not met with all that Success which I wish’d and expected, yet being fully convinced, That nothing is so necessary to Our common Welfare, I am not discouraged from persisting in the same earnest Desires, that you would go down into your several Countries, so disposed to Moderation and Unity, as becomes all those who are joined together in the same Religion and Interest.

‘ This, I am perswaded, will make you sensible, that nothing, next to the Blessing of God, can so much contribute to Our Success Abroad, and to Our Safety at Home.

And then the Lord-Keeper (by Her Majesty’s Command) prorogued the Parliament to *Thursday* the 4th of *July* next.

The 21st the Earl of *Nottingham* laid down his Office of Principal Secretary of State, and deliver’d the Seals to Her Majesty; and in this Month it was that Her Majesty was pleased to appoint the Earl of *Kent* to be Chamberlain of Her Majesty’s Household, in the Room of the Earl of *Fersey*; *Tho. Mansel*, Esq; to be Comptroller of Her Majesty’s Household, in the Room of *Sir Edward Seymour*; and *Henry St. John*, Esq; to be Secretary at War, in the Room of *William Blathwayt*, Esq; Likewise the Earl of *Kent*, *Rob. Harley*, Esq; Speaker to the House of Commons, and *Tho. Mansel*, Esq; were on the 27th sworn of Her Majesty’s Privy-Council.

Privy-  
Counsel-  
lors made.

Before we leave *England* it’s necessary we should take Notice of the following Memorial of the Imperial Envoy to the Queen, and the rather since it seems to be a Piece of Amusement more than any thing else, since the Duke of *Marlborough*’s March to *Germany* must certainly have been concerted before now, and the same runs thus :

*Madam,*

Madam,

THE underwritten Envoy Extraordinary of his Imperial Majesty has taken several Occasions to represent by Word of Mouth to Your Majesty's Ministers, the heavy Calamity and imminent Danger the Empire lies under, since the Elector of *Bavaria* received a numerous Army of *French* into his Country, which, together with the Insurrection in *Hungary*, has occasion'd incredible Terroure and Disorder in the Imperial Hereditary Countries; so that there is Cause to fear a general Revolution and a Devastation of *Germany*, unless a Supply of Succours, proportion'd to the Greatness of the impending Danger be speedily furnish'd.

April.  
Imperial  
Envoy's  
Memorial  
to the  
Queen.  
2.

True it is, that the underwritten Envoy Extraordinary is thoroughly satisfied with the Zeal which Your Majesty's Ministers have express'd for the Common Cause, and with the Regard they have had to the Representations he has made to them; but seeing no Resolution is yet taken thereupon, notwithstanding the Season for Action is already pretty far advanced, and that several Schemes that have been propos'd lie till the Duke of *Marlborough* gets to the *Hague* before any of them can be finally agreed on, the underwritten Minister finds himself oblig'd, before his Departure, to press this Matter once more, and to represent the Danger the Emperor and Empire are in, in Writing, as he has before by Word of Mouth, to induce Your Majesty, out of Your Zeal for maintaining the Liberty of *Europe*, that Zeal which renders You so illustrious among the Potentates Your Allies, to give Order to the Duke of *Marlborough*, Your Captain-General, to consult effectually with the States General, and conclude upon the speediest Means of succouring the Empire, at least to lead the Troops Your Majesty has in the *Netherlands* up into *Germany* to save the Empire from utter Ruine, it not being reasonable in it self, nor advantageous to the Common Cause, that Your Majesty's Arms should be confin'd to the Frontiers of *Holland*, which are not threatn'd by the Enemy, and which are cover'd by large Rivers and Places strongly fortified, while the Empire is over-

April.

run by the *French*, and laid waste with Fire and Sword. The earnest Request, which the under-written Minister most humbly makes, is grounded on the Alliance between the Emperor, *England* and *Holland*, on the 4th, 7th, and particularly the 11th Article of the same : And he makes sure Account that Your Majesty, in Pursuance of the Tenour of that Alliance, will give necessary Orders for succouring the Empire effectually ; if requisite Succours be withheld, the said Envoy foresees the Danger that must ensue ; especially if the States-General persist in their Resolution to recall their Troops out of *Germany*, at the very Time when *France* is about to send a Reinforcement to their Army in *Bavaria* ; and he will at least have this melancholy Consolation, that he is not answerable for such ill Consequences, and that they cannot be charged upon his Negligence, seeing he has not been wanting to make pressing Instances on this Subject in due Time and Place, being obliged so to do by his Duty, the Orders sent him by his Master, and the apparent dangerous State of the Affair in Question.

*London, April 2. 1704.*

*J. Wenceslaus, Count Wratislaw.*

Being not able to penetrate into the farther Transactions of the Cabinet, we must again look Abroad. The first Thing we meet with in *Portugal*, is a Manifesto of King *Peter* in Favour of *Charles III.* of *Spain*, to this Purpose :



Be it known unto all Kings, Princes, Commonwealths and Potentates, and to all their Subjects and Vassals; and particularly to the most illustrious Grandees of Spain, Dukes, Marquesses, Counts, and others of the Body of the Nobility of the Kingdom: To the Presidents, Chancellors and Ministers of Councils, Regents and Judges in Chancery, Corregedors and Common Councils of Cities, Towns and Boroughs, and to all others, of what Estate, Quality and Condition soever, in the said Kingdoms and Dominions; as likewise, to the Reverend Archbishops, Bishops, Prelates, and all others of the Clergy:

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THAT whereas it is the principal Duty incumbent on his Portuguese Majesty to have an indefatigable Care of the Safety and Preservation of his Kingdoms and Subjects, and that being obliged to make a solid Provision against the Danger that threatens them in the Union of the Monarchy of Spain with that of France, which is almost brought to pass, tho' under the Disguise of an imaginary Title, or by a strict Union of the Interests of the Two Monarchies, of which no Man at present can make any doubt, his said Majesty has endeavoured to take such Measures as shall be most suitable to the present Conjunction of Affairs, and to effect what is desired; and Almighty God, the Searcher of Hearts, and who holds those of Kings in his Hand, can witness, that it neither is, nor ever was his Design to add new Kingdoms and Provinces to his Crown, and that he has not been moved either by Avarice or vain Glory to embrace the Resolution he has taken, since it is undeniable, that he has slighted those favourable Opportunities which have been offer'd him of late, and which were sufficient to satisfy the greatest Ambition.

K. of Portugal's  
Manifesto  
in favour  
of Charles  
III.

It is well known to all the World, that the Want of Issue in the Catholick King Charles II. of happy Memory, his infirm and dangerous Constitution, and the Consideration of the Dauphin's Pretensions to succeed that Prince, were the Motives which induced England and Holland to conclude a Treaty with France, by which the said Monarchy of Spain was divided between the said Dauphin and the most Serene

*April.* Prince Charles, Arch-Duke of *Austria*, because *France* by reason of its Situation, threatening *Spain* and great part of its Dominions, and being then arm'd and provided with a great Number of disciplin'd Troops, and with powerful Fleets at Sea, it was most probable it would, upon the Catholick King's dying without Issue, secure the Possession of that Monorchy, which being incorporated with *France*, the whole being reduced into one Body, would be so much superior, and so formidable to all the Kingdoms and States of *Europe*, that they would all in a very short time be subordinate to the Despotick Power of *France*. To prevent this imminent Danger, the Treaty of Partition gave to the Arch-Duke Charles, at the Death of his Catholick Majesty, the Kingdoms and Dominions that Prince was possess'd of in *Spain*, the *Low-Countries*, and the Kingdoms of *Sardinia*, *Majorca* and *Minorca*, and the *West-Indies*; and to the Dauphin the rest of the Dominions, and part of *Guipuscoa*.

His Most Christian Majesty consented to this Accommodation, and having stipulated it with *England* and *Holland*, invited all the other Princes and States of *Europe* to join in it, earnestly soliciting his *Portuguese* Majesty to come into the Association, which his Majesty consented to, as believing this to be the most effectual Means to preserve the Peace of *Europe*, and deliver it from the imminent Danger that threatned it. To this Purpose he concluded a Treaty with the most Christian King, of which *England* and *Holland* were Guarantees.

But the Catholick King dying at the latter End of the Year 1700. and a Will being published in his Name, which declares the Duke of *Anjou*, Second Son of the Dauphin, Heir of that Monarchy, the most Christian King altered his Resolution, and, notwithstanding the Treaty of Partition not long before concluded with the Three Powers of *Portugal*, *England* and *Holland*, and without Regard to the Engagements therein, he rather chose to accept of the whole Succession to the Crown of *Spain* for his Grandson, flattering the *Spaniards* in the Letter he wrote to the Governours, during the *Interregnum* in that Monarchy, with Promises, that he would restore it to its ancient Splendor, and raise it to the highest Pitch

Pitch of Glory; insinuating by this Means, that he would restore to it the Kingdoms and States, which had been separated from it.

This Resolution of the most Christian King, taken at the very Moment he received Intelligence of the Death of his Catholick Majesty, being a manifest and evident Breach of the Treaty, and Contempt of those Powers concerned in it, highly provoked those that had confederated with *France* for the Execution of the Partition, and much more the Emperor, who would not consent to it. But it being proposed to his *Portuguese* Majesty, from the most Christian King, by his Ambassador the President *Rouille*, that the King his Master found it more expedient for his own, and the Peace of all *Christendom*, that the whole Monarchy of *Spain*, as the Catholick King had possess'd it, should remain united under one Prince, because by this Means the Ballance of *Europe* would be better kept up; he therefore was willing to sacrifice to the Interest of *Europe* that great part of its Dominions which by the Treaty of Partition was to be annex'd to it, that the aforesaid Prince was to be his Grandson, the Duke of *Anjou*, in whom the Catholick King had own'd the undoubted Right of the *Dauphin*, his Son, declaring the said Duke of *Anjou* Universal Heir of all his Dominions. That the Monarchy of *Spain* should be govern'd by its own Laws and Constitutions, without the least Innovation, or any Dependence on *France*; so that only the Reigning Family would be changed, that of *Bourbon* being placed on the Throne instead of that of *Austria*, and *Europe* would remain in the same Posture it was before the Death of the Catholick King *Charles II.* The most Christian King was desirous to renew with the King of *Portugal* the ancient Treaties, and that his Grandson would do the same, and he would be Guarrantee of the Peace between the Crowns of *Portugal* and *Castile*.

And his *Portuguese* Majesty having made the necessary Reflections upon these Representations, according to the then Circumstances, he thought he ought to sacrifice the Breach of the Treaty concluded with *France* to the publick Peace, as looking upon it that *Europe* remain'd in the same Constitution and Posture it was before, with only very little Difference.

And

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And to prevent the Inconveniencies of War within his Kingdoms (which could not have been done, had he permitted the Nations that made War in *Spain* to resort to his Ports, because of the Danger, lest the Neighbouring Fire should lay hold on his Dominions) he concluded a Treaty with the most Christian King and his Grandson, by which his *Portuguese* Majesty only obliged himself not to receive into his Ports the Ships of those Nations that should make War on the Two Crowns, upon Account of the Succession of the Duke of *Anjou*, thus only making the said Duke as it were Possessor of the Monarchy, for the Conve- niency of securing the Peace of *Portugal*, or at least removing the Danger of a War. But in regard that the Powers of *England* and *Holland* (which it may be judged might enter into a League with the Emperor to revenge the Breach of the Treaty, and to secure their own Interest and Safety) would not, perhaps, consent to be excluded the said Ports; the most Christian King obliged himself to send to them such Succours of Men and Shipping, as his *Portuguese* Majesty should judge proper and necessary upon Oc- casion.

The Duke of *Anjou* has also resigned up to the Crown of *Portugal*, all the Right the Crown of *Spain* pretends to have to the Lands seated on the North Side of the River of *Plata*, on which is built the Co- lony called *Del Sacramento*, and has obliged himself to indemnifie the Royal Company of the *Indies*, in which the Subjects of *Portugal* have engaged great Stocks, and received no less Damages by the In- fringements the Government of *Spain* has made in the Conditions of the said Contract, which has been authorized by the Two Crowns of *Castile* and *Por- tugal*.

The Observation of this Treaty was suitable to that of the former, for his most Christian Majesty signi- fied to his *Portuguese* Majesty, by his Ambassador the President *Rouille*, that the Navy set out by *Eng- land* and *Holland* were designed against the Ports and Fleets of *Portugal*; his said Majesty required in due Season, and in Virtue of the said Treaty, that a mo- derate Number of Shipping might be sent him to secure the Trade of his Subjects, and the Coasts of the



April.

the Kingdom, and not the Third part of what was desired has been sent; the Ministers of the Court of *France* being obliged to own to that of *Portugal*, (which solicited this necessary and due Supply) that the Crown of *France* was not in a Capacity to answer that Obligation, and that his most Christian Majesty own'd that the King of *Portugal* was absolved from the Tye of the Treaty concluded with him and his Grandson, upon Condition of that Succour.

The Duke of *Anjou* has not been more punctual in fulfilling the Contents of this Treaty, for neither has he paid the Sums he ought to pay to the said *India* Company, nor has he delivered them from the Vexations and Violences offered it in the said *Indies*, as was stipulated; but on the contrary, greater Wrongs were offered them, and the Governour of *Buenos Ayres*, by private Orders from Court, contrary to the publick ones sent by Virtue of the Treaty, has excluded the Subjects of his *Portuguese* Majesty the Benefit of the Lands about the Colony *Del Sacramento*, blocking them up close.

All this not only sufficiently justifies with how much reason his *Portuguese* Majesty has departed from the last Treaty concluded with his Most Christian Majesty, and his Grandson, but how much cause he has to resent such repeated Infringements.

Besides, this Second Treaty was no sooner concluded, but his Most Christian Majesty began to show that his Design tended to Unite the Monarchy of *Spain*, Governing it even at first according to his own Will in all respects, from the highest to the lowest. The Negotiations and Embassies of the Crown of *Spain* began to be guided not by Insinuations, but by express Command from *Paris*. The Vice-Royships and Governments of the Kingdoms and Provinces of *Spain*, and its Dominions, the President-ships of Councils, the Archbishopricks, Bishopricks, and Prelacies, the Commendams, Places, Offices and Employments, Civil and Military, and in short, all Things of Profit and Honour, are at the Disposal of the *French* Ministers. The Bulwarks of the Monarchy, *Flanders* and *Milan*, were seized by the *French* Troops, under the Specious Title of Auxiliaries. The Grandees of  
Spain,

*April.* *Spain*, whom the Catholick Kings had placed in the next Degree to their Royal Persons, were Oppressed and Affronted, obliging many to go to *Paris* to pay Homage to the Despotick Power of the Court of *France*, and equalling them to the Peers, and the Peers to them. as if they were but one Nation, and served but one King. The Holy Tribunal of the Inquisition was molested in its Head, and in its Members. The Flags of the Royal Navy of *Spain* were commanded to strike to those of *France* in their own Seas. The Trade of the *West-Indies*, which is not allow'd to all the Subjects of the Monarchy, but only to those of the Crown of *Castile* has been laid open to the *French*, to the utter Ruin of all *Spain*, and, in short, all the Subjects of the Monarchy have been undervalued and oppress'd by Ministers, or other Persons of the *French* Nation, and treated like Slaves, though the *French* were of the meanest Quality, and the *Spaniards* of the greatest; the illustrious *Spanish* Nation, and its vast Monarchy, being thus brought under the *French* Yoak; and this was the End of the Promise of raising and re-establishing it in its ancient Glory.

It is needless to mention the particular Persons or Facts to demonstrate what is here urged, because it is so notorious and visible to the Eyes, not only of *Spaniards*, but of all *Europe*, that many *Grandeess* were obliged to submit to the Indignity of serving Employments not suitable to their Greatness, or to take Sanctuary in strange Countries, abandoning their Houses and Estates to preserve the Honours and Dignities they had inherited from their Ancestors; *France* using all Means to debase this Rank, since there have been Persons admitted to it who could not either for their Quality, or Merits, aspire to it; and been only raised for being Instruments of enslaving their Country, and assisting by their Endeavours to support and feed the Cancer, which gnaws the Bowels of the Monarchy, like Vipers devouring the common Mother, which gave them Being.

Having so plainly discovered the Design of *France*, which is to Unite the *Spanish* Monarchy to that of *France*, and reduce it to a Province, like any of the Conquered Countries, whereas its Separation and Independence was the Basis and Foundation of the Treaty

Treaty concluded with the Most Christian King, and with his Grandson ; and his *Portuguese* Majesty seeing so Illustrious and Heroical a Nation so Debased and Oppressed, as if it had been Conquered, he was obliged to alter his Measures, and take other Courses than he had done before to secure his own Kingdoms, and take off the Fetters which the *French* Ambition has put upon the *Spanish* Nation ; it being also for his Majesty's Reputation, that since God has put into his Hands such a part of *Spain* as *Portugal* is, he endeavours the Liberty of all the *Spanish* Nation, and strives to deliver it from the Shame of being under a Foreign and Violent Dominion.

For the compassing of these Two Ends, with the unanimous Consent of all the Potentates concerned in the Grand Alliance, and with the universal Approbation of all others, which have not yet joined in it, further than in their Liking and Affections, it has been judged the most just, ready and efficacious Means, that his Imperial Majesty, and his Eldest Son, the most Serene King of the *Romans*, should resign and renounce to the Arch-Duke of *Austria*, *Charles*, Second Son to his Imperial Majesty, and Brother to the said King, the Right they had to the Succession to the Monarchy of *Spain* ; and none can doubt, that though that be not altogether indisputable (as most Men do believe it) yet it allows of so little controversie, that to invalidate it, the Partisans of *France* (who can be no other but *French* themselves, or such as are corrupted by private Interest) must maintain the most execrable Maxim, and of the most pernicious Consequences to Humane Society, by giving out, that the Promises and Engagements of Kings are Null and Void, when they are against their Interest, though they be strengthened by the Solemnity of Treaties, and the Sacred Tyes of Oaths ; for all this appears against the Right of *France*, as is notorious by the *Pyrenean* Treaty ; and the main stress of those that defend them, consists in perswading this Doctrine.

Hereupon his *Portuguese* Majesty, by a Solemn Treaty concluded with their Imperial and *Britannick* Majesty's, and with the States-General of the United Provinces, that as soon as his Imperial Majesty, and the King of the *Romans*, had made their Renunciation of the

*April.* the *Spanish* Monarchy to the most Serene Prince Charles, Arch-Duke of *Austria*, these Four United Powers, would concur to Place the said Prince on the Throne of *Spain* and none of them be permitted to conclude a Peace till this be done. And his Imperial Majesty having performed the Renunciation, which the King of the *Romans* has approved, and that Prince being owned Lawful King of *Spain*, not only by the Emperor his Father, and by the King of the *Romans*, but even by most of the Confederate Powers, and other Princes, as is well known to all *Europe*; and the said Catholick King Charles III. being come into the Dominions of his *Portuguese* Majesty, for the Execution of so Just and Advantageous a Resolution for the Peace of *Europe*, his *Portuguese* Majesty has thought fit before any Military Execution, not only to make known the Motives that induced him to it, but to propose to the Renowned *Spanish* Nation, that not only the properest, but the only Opportunity it can ever have, is now offered to recover its Liberty, Reputation and Glory, by excluding from the Throne of its Monarchy, a Prince of a Nation and Family, the most opposite to its Interest, and its Heroick Reputation, whom they have admitted, much against their Will, being obliged to it by the Terror and Violence of the Arms of *France*, which allows him only the Title of King, having assumed to it self the absolute disposal of the Monarchy.

The Nobility of *Spain*, and all its People and Dominions have seen, and found by Experience, how false the fair Promises of *France* are, and that the increase promised to the Monarchy, is converted into an Imperious Servitude, unworthy Noble and Generous Souls, such as true *Spaniards* ought to be; who ought to consider, that if *France* at the same Time, that it is Invaded by so many Powers, to oblige it not to exceed the Bounds of Reason and Justice, and to deliver the *Spaniards* themselves from the Oppression he keeps them under; does not treat them with so little respect; what can be expected, if the Great Alliance should be dissolved, and they left under the same Yoke? Who doubts but he will reduce them to the utmost Calamity, reputing them as a People that have submitted themselves, and a Conquered Nation that

has



has yielded to the Will of the Conqueror : And it is plain, that such an Opportunity as this is, cannot easily be expected, it being impossible, that Four such mighty Powers and so proper to produce the happy Effect of the Liberty of the *Spanish* Monarchy, should again agree upon it.

All that have been here said, makes it credible, that the *Spaniards* having been recovered from the Terror of *France*, which obliged them to take the Dauphin's Second Son for their King ; having now so many Potentates with Land and Sea Forces, superior to those of *France* to assist them, will stand up resolutely for their Honour, their Reputation, their Glory, and lastly for their Liberty, expelling a Prince, who has possessed himself of the Throne of their Monarchy by violent Means, and receiving another, whom they would ardently have wished to have been in *Spain*, at the Time when King *Charles II.* dyed, to deliver the Scepter into his Hand ; it being certain that his Title, after the Renunciation of his Father and Brother, is indisputable, and that his Heroick Vertues are worthy of the Crown of so Great and Wealthy a Monarchy, and Equal or Superior to those of the Glorious *Austrian* Princes, who have Governed *Spain* these Two last Ages, under whose happy Influence, the Illustrious *Spanish* Nation has raised it self to the highest pitch of Glory ; the *Spaniards*, and all other Subjects of the Monarchy being treated with the Affection due to Children, which they have found quite contrary during this short Space of a *French* Government.

But in case the *Spaniards*, either seized by a Panick Fear of the Power of *France*, or deluded by the Chimerical Perswasions of the *French*, who mix Truth and Falshood, and hide the Venom under specious and pleasing Shows, should shut their Eyes, and stop their Ears against so many Proofs, and should resolve to be cruel to themselves, and to assist their mortal and perpetual Enemies the *French*, that they may compass the oppressing of their Liberty ; it will be unavoidable, that his Majesty assisting the Catholick King *Charles III.* and supporting the Justice of his Cause with his Arms, and those of his Allies, must endeavour by Force to give the *Spaniards* that Redress they

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they stand in need of, as is done by a Mad-man, or one in a Lethargy, who must be severely Blooded for their own Preservation; the one regarding it not, and the other opposing it, because both of them having their Faculties Deadned and Vitiated, they are deprived of the Liberty of reflecting and knowing their own good, and all the Christian Blood that shall be shed upon this Account, and the Damages that shall be received, will be imputed to those who endeavour to maintain a Prince, who is unjustly possess'd of the Monarchy, which on all Titles is due to the Catholick King *Charles III.*

In the mean time, the Troops of the Duke of *Anjou* beginning to Desert and to encourage Men, and more especially the *English*, *Scotch*, and *Irish*, the Duke of *Schomberg*, the *English* General, published the following Proclamation.

D. *Schomberg's* Proclamation to encourage Deserters.

25.

Pursuant to Her Majesty's Warrant, dated the 14th of *March*, 1704. Authorizing and Empowering me, to publish in the most effectual Manner Her Majesty's most Gracious Intentions of Pardoning all such Her Subjects of the Kingdom of *Ireland*, and of other Parts of Her Majesty's Dominions, who being now in the Service of Her Enemies, will quit the same to come over to *Charles III.* King of *Spain*, or any other of Her Majesty's Allies. I do hereby in Her Majesty's Name, Proclaim and Declare, that all such Her Majesty's Subjects both Officers and Soldiers, who are at present in the Service of the *French* King, or of the Duke of *Anjou*, and will return to their Duty, and come over to the King of *Spain*, or any other of Her Majesty's Allies, shall have Her Majesty's most Gracious Pardon for all Crimes and Offences committed by them, in adhering to or serving under Her Enemies, or for any Crime and Offence relating thereunto, and that such of them as are Qualified to serve in Her Majesty's Forces, shall be received and entertained in the Service of the King of *Spain*, or of such other of Her Majesty's Allies, where they shall best like, in the same Quality, and with the same Pay as they enjoy'd under Her Majesty's Enemies. And to the End

End that Her Majesty's most gracious Intentions may be the more effectual, Care is taken that the Governours of the Frontier Garrisons, and the Generals of the Forces will receive and subsist them immediately upon their Coming in, and give them all farther Encouragement.

Given at Lisbon, the 25th Day of April, 1704. in the Third Year of Her Majesty's Reign.

Schomberg and Leinster.

We cannot think that King Philip was all this while idle. Its true, he continued still at Piacentia, where having not thought fit to defer any longer to proclaim War against the King of Portugal and his Adherents, the following Manifesto or Declaration was published at Madrid, and other Places, with the usual Solemnity. It was dated on the 30th Instant, tho' by some of our Accounts it was proclaimed on the 2d of May.

I the KING.

WAR, which is the last Term of the Right of Sovereigns, ought to be managed with Honour, and in an unblamable Manner: But as its Operations cause great Damages to Provinces and their Inhabitants, it's reasonable and necessary that we declare the Motives that have indispensably engaged us to come to these Extremities. It's notoriously known to all the World, that the Succession of this Monarchy is lawfully fallen to me, and that I have been called according to the Right of Blood, as the King, Don Charles II. my Uncle, acknowledged, when he appointed me his Universal Heir and Successor, by Virtue of whose Will I have received all my Kingdoms, who have sworn Fidelity to me. The Pope, the most Christian King, my Grandfather, England, Holland, the Princes and Republicks of Italy, the King of Portugal, and most of the Princes of the North, have also own'd me in that Quality, and have renew'd the said Acknowledgments on different Occasions, during the Four Years of my Reign, till the Emperor and his Allies endeavour'd to shake the Fidelity of my Subjects, by

K. Philip's  
Manifesto  
against  
Portugal.  
30.

April.

making War in *Italy* and the *Netherlands*. But I render most hearty Thanks to the Almighty for so many good Successes, whereby he has shewn the Justice of my Cause to all the Earth, and I hope he will continue his Blessing on my Arms.

'I have been inform'd, that the K. of *Portugal* not only refuses to fulfil the Offensive and Defensive Alliance which he made with the Two Crowns, but instead of keeping the Neutrality stipulated in that Alliance, he had made a quite contrary Treaty with the Emperor, *England* and *Holland*, offering them his Troops, and agreeing that the chief Provinces in my Kingdoms should be separated and destroy'd by the War, and that the King of *Portugal*, under the Pretence of assisting to restore the Tranquility and Liberty of *Europe*, endeavours to put the Arch-Duke in Possession of all *Spain*, and the Provinces that depend upon it, on Condition that the said Arch-Duke yield, and give from henceforth and forever to the King of *Portugal* the Cities of *Badajoz*, *Alcantara*, *Albuquerque*, and *Valence* in *Estremadura*, and *Bayonne*, *Vigo*, *Tuis* and *la Gardia* in *Galicia*, with all the Provinces, Countries, and Places situated on the other Side of the River *de la Plata* in *America*, to serve for the Boundaries of *Spain*, that that King makes use of the Arms and Troops of the Enemies of the Two Crowns and Catholick Religion, which is inexpressibly threatned in its most sacred Mysteries by those Heretick Troops; that he pretends to settle the Arch-Duke in *Spain*, by sowing Sedition among the People, by violating the Rights of Nations, and the publick Security, and, without any other Declaration of War, he has made Reprisals on the Effects and Ships of my Subjects. These just Reasons have obliged me to put my self at the Head of my Armies, to defend the Honour of my Subjects, who by their Exploits, Fidelity, and glorious Efforts, will be the Honour of all Nations, the Terror of their Enemies, the Buckler of Religion, and the Protectors of this Kingdom, and my Right.

'That it may be notorious to all the World, that I am obliged in Concert with all my Subjects and Vassals, to take up Arms for Religion, the Crown



'and for the Country. For those Reasons I declare  
'Enemies of the State the King of *Portugal*, the  
'Arch-Duke *Charles*, and their Allies. I exhort,  
'order and command all my Subjects to take Arms  
'with my Allies for the Defence of their own Cause,  
'and particularly of Religion, to which they are more  
'addicted than any other Nation. This Declaration  
'shall be read, published and affix'd in all the Places  
'of my Kingdoms.

Given at *Placencia* this 30th of April, 1704.

Sign'd,  
*Jo El Rey.*

The War in these Parts being yet you see but a  
Paper Combat, the Effects whereof we shall meet  
with hereafter, it's time we should see what they are  
transacting in other Parts of *Europe*. The Action  
that pass'd near *Lunel* between the *Camisars* and the  
*French King's Troops* under the *Mareschal de Montrevel*,  
made a great Noise about this Time: The  
*Paris Gazette* represented it in all its favourable Col-  
ours, saying, that *Montrevel* having received Advice  
at *Sommiers*, that Two Troops of the Rebels, in all  
about 1800, had join'd together with a Design to burn  
*Caivisson*, he took with him 350 Men of the Regi-  
ment of *Haynault*, Three Companies of *Gradiers*,  
One of *Fusiliers*, and 200 *Irish Dragoons*, or Offi-  
cers, and the 16th in the Morning march'd by the  
Highway that leads to *Nages*, after he had sent Col.  
*Grandval* Order to advance with 300 Men towards  
*Cavarac* to possess himself of a Defile, by which the  
*Camisars* might have made their Escape: But they be-  
ing informed, that the *Mareschal de Montrevel* was  
marching towards them, would have retired by that  
Defile, which Colonel *Grandval* had secur'd; but he  
made so great a Fire upon them, that they were o-  
bliged to seek another Passage. Much about the  
same time the *Mareschal de Montrevel* charg'd them  
with so great Vigour at the Head of the *Dragoons*,  
that 600 of the Rebels were killed on the Place;  
many others were slain in the Pursuit; so that in all  
above 800 of them were killed, besides what were  
wounded. They lost almost all their Arms. The

The Action of the  
*Camisars*  
at *Lunel*.

*April.* Action and the Pursuit lasted from Three in the Afternoon till Nine at Night. The Place of Action was between St. *Dionise* and *Clairensac* in the *Lavau-nage*. Two *Irish* Officers and Twenty Soldiers were killed, and some were wounded.

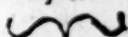
This Action is more particularly related in the following Letter from *Bagnols*, dated *April* 19.

A Letter  
about the  
same Action.

‘THE Mareschal de *Montrevel* being inform’d, that the Party commanded by *Cavalier*, in Number 1800 Men, were come down into the plain Country between *Nismes* and *Lunel*, sent Orders the 16th to Monsieur de *Grandval* to draw together all the Troops he could, and to advance within Sight of the *Camisars*, to amuse them, and endeavour to draw them into some low Grounds. He sent Order to other Troops to march, and fall upon them in the Rear, from a Hill, and he himself advanced with 600 Men to help to surround them. These Orders were punctually obey’d, and accordingly 80 Dragoons began to charge the *Camisars*. These Dragoons fought retreating, and were reinforced from time to time by other Troops of the Regiment of *Fimarcon*, to hold the *Camisars* in Play till Two Battalions of *Charolais* advanced, and drew up in Battalia behind the said Dragoons; which being done, the Dragoons open’d, and those Two Battalions advanced towards the *Camisars*, who stood firm to receive them. The Royalists received their first Discharge, and then clapping their Bayonets into the Muzzles of their Pieces, charged the *Camisars*, and obliged them to retire. While this was doing, a Body of Troops appear’d on a rising Ground, who were taken for *Camisars*, but when it was known they were the King’s Men, they press’d the *Camisars* hard on all Sides. They endeavour’d to escape, but the Mareschal de *Montrevel* falling close in upon them, had not Night come they had been entirely defeated. *Cavalier* fought with great Courage, and like a Man skill’d in War. One of the King’s Dragoons follow’d him close, but he fired a Carabine at him and killed his Horse; the Dragoon discharged a Musquetoon at him, but miss’d him. In the Action and Pursuit *Cavalier* had Two Horses kill’d under him,

'him, yet dismounting one of his Companions, he  
'made his Escape.

April.



However, some Advices from *Switzerland* said, that above 800 of the Royalists were kill'd, and but 200 of the *Camisars*. Whatever the Loss was on either Side, 'tis certain *Montrevel* did not pursue his Victory, but leaving his Troops, went to *Nismes*, where *Villars* arrived on the 22d to succeed him. 'Tis said, he was so well satisfied with himself, after he had worsted the *Camisars* in the Action above-related, that he said laughing, in Presence of divers Persons, *This is the Farewell I take of my Friends*.

The Duke of *Vendosme* in *Italy* was all this time making great Preparations to over-power the Duke of *Savoy*, and having now Artifice enough to seduce the Inhabitants of *Villa Nova*, near *Casal*, and perswade 'em to fall upon the *Hussars* quarter'd there, he advanced with a strong Detachment on the 3d towards that Place, whereupon the famous *Paul Diack*, who com-  
manded there, going out with part of his *Hussars* to observe the Enemy, a bloody Skirmish ensued, where-  
in he was, after he had fought with his usual Bravery, unfortunately taken Prisoner. However, the  
Inhabitants of the Place had not an Opportunity to put their Designs in Execution against the *Hussars*, though some of them were very severely punished for their Treachery by Count *Staremburg's* Order.

*Paul Di-*  
*ack taken*  
*Prisoner*  
*at Villa*  
*Nova.*

From hence let us move to the *Secchia*, where the German Troops, under the Command of Prince *Thomas* of *Vaudemont*, were so weak, that the Grand-Prior resolved to force them to pass the Mountains; and therefore on the 6th arriving with a Body of Troops at *St. Benedetto*, he was there joined the next Day by several Detachments, whereby his Army was increased to 3000 Horse, and 18 Battalions, making 7000 Men, besides 49 Companies of *Granadiers*, including those of the 18 Battalions. He passed the *Secchia* on the 8th in the Morning with 30 Pieces of heavy Cannon, 20 Field-Pieces, 4 Mortars, and a proportionable Quantity of Ammunition, besides a great Number of large Fascines, Nine Foot long, to facilitate his passing of the Morasses. He had also a great Quantity of Forage and Provisions. The Ar-

April.  
 French  
 take Re-  
 vere.  
 10.

my encamp'd that Day at *Quingentoli* on the *Po*, and advanced the next Day to *Revere*, which he designed to attack the 10th; but Prince *Vaudemont* being not strong enough to defend that Post, had withdrawn the Garrison, Artillery and Ammunition, and broke down the Bridge he had on the *Po*. He had left only 200 Men therein, who in the Beginning of the Attack retired over the *Po* at *Ostiglia*. The *Germans* made a great Fire upon the *French* from their Battalions on the other Side of that River, but very few Men were killed.

As to the Negotiations still on Foot between *France* and the *Swiss* Cantons, we shall recapitulate nothing here, but now take Notice, that the Regents of *Baden* on the Receipt of Monsieur de *Puisieux's* second Letter before-mention'd, resolv'd to return a final Answer to it, and *de Lumage*, his Subdelegate, perceiving they were not at all dispos'd to give a favourable one, desired them to forbear coming to a Determination so soon, alledging, he had new Offers to make to them; but they, resolving to rid their Hands at once of this Affair, met on the 2d, and agreed upon this Answer, 'They desired his Excellency to consider, that the Canton found themselves in such dangerous Circumstances, either of being environ'd by one single Potentate, or from the War that was come round them, that they could not think it prudent to part with their Men, and weaken their Military Force: That besides they could not consent to the Raising of a Regiment demand'd by the King in Virtue of the Alliance, because such a Levy could not be granted, but by the common Consent of the *Helvetick* Body. This Answer was deliver'd the same Night to *de Lumage*, who was not at all pleas'd with it.

In the mean time, viz. on the 1st, the Regents of the Canton of *Friburg* met to consider of the Duke of *Savoy's* Demand of Succours from them, in Virtue of the Alliance his Royal Highness had made with the Catholick Cantons; and Monsieur de *Mellaredo* presented the following Memorial to them.



*Most Illustrious Lords,*

THE Confidence his Royal Highness my Master has in this Laudable Canton is so entire, the Friendship he has for you, most Illustrious Lords, and the Value he sets on your Friendship for him is so great, that I cannot find Words significant enough to describe it, nor to express the grateful Sense he has of the Care and Pains you have taken to keep him your Neighbour. I assure you of this in his Name, and that he is abundantly satisfied with your Resolutions to observe religiously the Alliance you have with him; he knows your Probity, and is convinced of your constant Steadiness; of which having been Witness from the Time I have had the Honour to be employ'd to the Laudable *Helvetick* Body, I have not fail'd to represent them to my Sovereign. But I have been convinced in those few Days I have pass'd in this Place, that I had not a thorough Knowledge of those Two Vertues which you possess in so eminent a Degree, and which never suffer you to hesitate one Moment, when the Security of your Country, or the Defence of your Allies is in Question.

*April.*

*Mellaredé's  
Memorial  
to the  
Canton of  
Friburg.*

I now perceive, it was unnecessary for me to address my self to you, to desire you to grant the Succours you had promised his Royal Highness; I see your Probity will not let you retard the Execution of your Treaties; and if I take upon me to speak to you, 'tis not to persuade you, 'tis only to make known publickly the Constancy of your Friendship to your Allies, and to inform the Ministers of *France*, that 'tis doing you an Injury to believe you capable of not performing readily the Engagements you have once entred into, to teach them that the Promises of this powerful Nation are always firm and stable, that they are of more Value than the Oaths of their Court, that 'tis superfluous for you to swear, that your Friendship does not need the Sanction of an Oath.

I perceive, most Illustrious Lords, you are incensed against those Ministers, who dare to offer to inspire contrary Sentiments into you. Sentiments so opposite to this Probity and Steadiness; against those who dare to advise you to break your Word with his

April.

~~~~~ Royal Highness, by refusing to observe the Alliance you have with him. Don't they know that at the same time they do in effect advise you to be false to God, the Avenger of violated Faith, to which He was called a Witness?

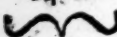
You know what Artifice the Ministers of *France* have employ'd to perswade you, that you were not obliged to furnish Troops to my Sovereign; you know with what Industry they have dispersed a printed Pamphlet on that Subject among you, and throughout all *Switzerland*; but your Penetration discover'd at first Sight the Illusions it was filled with, the sinister Interpretation given in it of the Alliance you have with my Master, and the Artifice of Suppressing the most essential Points of that Alliance, and substituting others that never had Being, except in the Imagination of the Author.

After this you observed, most Illustrious Lords, that those Ministers finding you took it ill to be press'd to break your Faith by refusing to succour his Royal Highness, would have prevailed with you to delay the Performance of your Promises, and to defer the Granting of Levies to another Time; they took Occasion at the same time to offer to pay you Two Pensions from *France*, and Five from *Spain*. Reflect I beseech you on this Conduct. 'Tis not on Account of the Treaties you have with the Two Crowns; 'tis not in Acknowledgment of the Obligations *France* has to you, that they will pay you the Pensions that are due to you; 'tis only to engage you to do what they shall desire you; 'tis only to render you dependant on their Will; 'tis only to draw you off from your Allies, that they may afterwards the more easily bring you under Subjection: Those Pensions, in short, will be no better than Chains, and they will lead you with them which Way they please.

Was it not enough for the King of *France* to amuse you from the Time the Dyet sat at *Baden* till now, and to yield to nothing of what you demanded for the Security of your Frontiers, but he must endeavour likewise to hinder your Treaties? Could not his Ministers content themselves with having slighted your Representations, and publicly exclaimed against

gainst your wise Precaution, without pressing you to have no Regard to your Alliances? Was it not enough for them not to perform the reiterated Promises they made to satisfy you, but they must likewise add dishonourable Conditions to the Hopes they gave you of being paid? This new Promise of Payment is made only to render useless the generous and wholesome Resolutions you have taken against the pernicious Designs of *France*, who the more Steadiness they see in you will for the future be the more ready to pay you. Your Alliance is so advantageous to them, that they must cultivate it, and you wrong your selves if you doubt it.

The Potentate jealous of the Union which the Steps you have taken to secure your Dominions have created between you and the other Laudable Cantons, and of the Glory you have acquired by your Steadiness among all other Nations, will endeavour to persuade the other Laudable Cantons, that you have no Suspicion of his approaching nearer to you; He will seek to give them a distrust of you, by the Confidence which he will insinuate you have in him; that he may render useless all that you have done hitherto for securing your Liberty. Doubtless, most Illustrious Lords, this is his Design, as appears by the Letter which the Marquess *de Puisieux* has lately written to the whole Laudable Helvetick Body, to demand your Resolutions touching the Neutrality of *Savoy*; namely, on what Foot you would have it settled, and what Security the most Christian King shall have that his Territories shall receive no Damage from *Savoy*; You know you made long since the same Demands you do now, and that I offered all the Assurance you could desire, that *France* should not be attacked on the side of *Savoy*. These are nothing therefore but the ordinary shifts of the Ministers of *France*, to gain those Ends by indirect Means which they dare not pursue openly; they are in hopes you will debate this Matter over again in the Dyet, and at the end of the Session they will desire time to inform his Majesty of your Resolutions, they will promise a speedy Answer, which, like all the former, shall give you no Satisfaction, and yet be retarded long, nor will it be sent to you till the Laudable Body shall grow very impatient

*April.*  tient for it, and be obliged to sent Deputies to demand it; Mean time the Season will be so much advanced, that your Succours will be of no Service to my Master.

You are too wise and penetrating, most Illustrious Lords, not to discover these Artifices, you cannot but perceive that all these Proceedings tend only to hinder your executing the Alliance you have with his Royal Highness, in which it is expressly stipulated that Succours shall be reciprocally granted within a Month after they are demanded, and that they shall not be retarded on any Pretence whatever; because the Situation of the Dominions of my Sovereign and of the Territories of your Republick, require speedy Succours respectively; and therefore a Delay is as prejudicial as a Refusal, both producing the same Effect. Reflect, I beseech you, that the *French* take these Measures to wean insensibly his Royal Highness of the Love he has for your Neighbourhood, and by that Means to oblige him to satisfy the Desire they have to be Masters of *Savoy*, that they may shut you up the closer.

'Tis not to be doubted then, most Illustrious Lords, but you will reject all Insinuations that are contrary to your Promises and would render your Alliance useless to my Sovereign, who has Sentiments full of Confidence, Gratitude, and Affection for you, and who has never given you the least Jealousie; while you find your selves under the justest Apprehensions from *France*, not only on account of their excessive Power which threatens the Liberty of *Europe*, their Ambition that knows no other *Limits* than an Universal Monarchy, their insatiable Avidity that will suffer no Country to be free from a Dependance on them; But especially on account of their Designs against your Liberty, which they endeavour to oppress by surrounding you on all sides.

There is no need of much Conjecture to discover their Designs; and 'tis not possible for the Ministers of *France* to cover them, by all the Protestations they can make to you: The little Decency they observe towards you; their Contempt of your Representations; their Precipitation to possess themselves of *Savoy*, at the Time you were soliciting a Neutrality for it; the

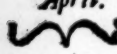


the Evasions they used to delay answering you; the unsatisfactory Answers they have given you; the Fictions which the Marquess *de Puissieux* offered to the Dyet at *Soluthurn*, and which he deliver'd as undeniable Truths, tho' they were directly contrary to the Resolutions of the Laudable Dyet held at *Baden*; His imperious Treatment of you in his Memorials; his reproaching you continually with the Favours, he pretends you receive from *France*; to conclude, the Shifts that are used to evade granting the Security you have demanded, are so many Evidences of the Designs that *France* has formed to render you dependant on their Will, to dictate Laws to you, to make themselves Masters of your Commerce, to have Troops of you for themselves only, and to give them what pay they please.

I pass over, most Illustrious Lords, the chief Motives that ought to engage you to take care of the Preservation of your Liberty; I think it sufficient at present to put you in mind, that you are engaged with my Master in a Defensive Alliance, which being of the Nature of such Agreements as are termed equal and reciprocal, ought to be as agreeable as it advantageous to you. My Sovereign, is not one of those Allies who pretend to bind you to them, without being bound to you; that you cannot contract other Alliances, or execute those you have contracted without their Consent; as *France* pretends, and has signified to you in your general Dyets by their Ministers; this was done by the *Sieur Baron* in the Memorial he presented to the Laudable Catholick Body in the last Dyet at *Lucerne* the 21st of *November*, 1703. I leave it to your own Prudence to make such Reflections upon their Memorials as they deserve.

I have reason to flatter my self, most Illustrious Lords, that you will without delay grant his Royal Highness my Master the Succours which you have promised him, and which I demanded of you in the Laudable Dyet at *Lucerne* in *November* last. The greatest Part of the other Laudable Cantons his Allies have already consented to furnish these Succours, notwithstanding the Reasons of State that induc'd them to it, for their own Preservation, were not so indispensable nor so pressing as those which ought to weigh with you,

April.

 you, as you your selves have acknowledged. Reflect, I beseech you, on the Fertility of *Piedmont*, and the great Plenty that Reigns in that Country ; on its nearness to you, on his Royal Highness's exactness in paying your Troops, on the small Expence the Officers are obliged to be at, who elsewhere run out all their Pay in superfluous Charges ; on the short Marches of the Soldiers, who in other Parts are liable to such long, painful and expensive Marches ; on the Gratifications his Royal Highness gives to the Officers, and on all the other Advantages they find in my Master's Service.

I intreat you therefore, most Illustrious Lords, to permit the Levies I have demanded of you, as well as of the rest of the Laudable Catholick Body, to be begun out of Hand, conformable to the Alliance you have with his Royal Highness.

I beseech the Almighty, to shower Prosperity and all other Blessings on you.

*Friburg*, April 1. 1704.

*Mellareda.*

The next Day their Lordships of *Friburg* came to a Resolution, as was then told us, to furnish the Levies desired by the Duke of *Savoy* ; but not to raise Men publicly till after the next general Dyet that about this Time was appointed to meet at *Baden* the 15th. On the other Hand, about the Beginning of the Month the Cantons of *Zurich* and *Bern* apprehending the *French* would endeavour to pass from *Hunningben* over the Edge of their Territories between *Basil* and the Lake of *Constance*, into *Swabia*, to joyn the Elector of *Bavaria* with a strong Body of Recruits ; the rather because the *Imperialists* had taken so much pains, and had so much time to secure all the Passages thro' the *Black-Forest* as well as to strengthen their Lines at *Stollhoffen* with new Works and a Reinforcement of Troops, that there was reason to doubt the *French* would not be able to pass any other way than over the said Frontiers of *Switzerland* ; to prevent the Execution of any such Design, they order'd their Militia to hold themselves in a Readiness to draw into a Body, and the Beacons to be prepared for giving notice of the approach of the *French*, at which Signal the said Militia were

were to march : Whereupon the Marquess de Puiseux wrote the following Letter to them.

April.

*Magnificent Lords !*

I Receiv'd the Letter of the 5th of this Month which you did me the Honour to write to me ; I was informed before, that Copies of several Letters had been dispersed in each of the Cantons, to inspire into them a Jealousie of the Designs of my Master, and to induce them to give the more Credit to the Report that was spread of the intended March of his Armies at the opening of the Campaign ; But I did not think that Report and those Letters, which are only Inventions of his Majesty's Enemies, could make the least Impression in *Switzerland*, after all the Assurances that I had given you on his Part by Word and Writing, that he would never entertain any Thoughts of disturbing your Peace and Quiet, but on the Contrary would contribute all that is in his Power to maintain them. I renewed these Assurances to your Deputies in the last Dyet that was held here ; I demonstrated to them that the Superiority of his Majesty's Armies, far from disturbing that Quiet they were so very fond of, was their Security. What past in *Switzerland* after the Battle of *Fridlingen*, is too authentick and too fresh a Proof of this, to be either denied or forgotten.

So that I frankly acknowledge, Mignificent Lords, my Surprize was great, when I heard you intended to raise your Militia, and to order your Beacons to be prepared for a Signal to them to move on the least Alarm. In case you are still under any Apprehension, I assure you it ought not to be caused by his Majesty's Arms, and that his Intention is his Generals shall attempt nothing that may give you the least Umbrage. His Majesty is always disposed to make you easie ; He considers you as his Ancient Allies, for whom he has a great Esteem and Friendship, and to whom he would take pleasure to give new Marks of his Royal Affection. This makes me hope, that all the Endeavours of the King's Enemies, to create a Jealousie in you of his Designs, will serve only to discover to you the Poison that lies hid under the Confidence with which they take upon them to give you

*Puiseux's*  
Letter  
to *Zurich*  
and *Bern*.  
8.

April.

“you groundless Counsels, which however have not been prevalent enough to spread Terror and Distrust through your Dominions, and hinder your enjoying the Tranquillity that yet Reigns there, I shall be very glad for my own part to be able to contribute any thing to the preservation of that Tranquillity; and I intreat you to be perswaded, that I shall always interest my self in all Affairs that may be agreeable to you.

*Soluthern, April 8. 1704.*

*Puisieux.*

General  
Dyet of  
the Can-  
tons.

15.

The General Dyet of the Cantons was opened at *Baden* on the 15th, in the usual Manner; all the Protestant Cantons sent Deputies to it, but of the Roman Catholick ones, only those of *Friburg*, *Soluthern*, *Apenzell*, and *Glaris*, sent Deputies; the Ambassador of *France* having prevailed with those of *Lucerne*, *Uri*, *Schemiz*, *Underwald*, and *Zug*, to send none; and next Day the Envoy of *Savoy*, having presented to the Dyet a new Memorial concerning the Neutrality for *Savoy*, they deputed some of their Members to confer with him, and he represented to them, that *Savoy* was cleared of the *French* Troops, and that the Duke his Master was rather in a Condition of carrying his Arms from that Province into *France*, than of being himself attacked, on that side; but that, notwithstanding, his Royal Highness was ready, purely out of Regard to the Laudable *Swiss* Cantons, to treat still of a Neutrality for that Province.

To counterwork *Mellaredé*, *Puisieux* sent a Letter to the Dyet the 19th in which he charged him with having imposed a Falshood on the Cantons, and assured them there were *French* Troops in *Chamberi*, and that they intended to keep there. *Puisieux* did not think fit to come to this Dyet himself, but sent the *Chevalier de Limague* to have an Eye to the Interest of the King his Master; and gave him a Letter of Credence for the *Helvetic* Body; and another directed to the Deputies of the Canton of *Bern*, which he delivered to them, and with it a Memorial, touching the Answer above related to have been given by their Lordships of *Bern* to the Two Letters written by the *Marquess de Puisieux*, which Memorial was said to

con-



April.

contain in Substance, 'That the Ambassador was very much surprized at the Answer made by the State of Bern to his Proposal touching the Levy desired of them in the Name of his most Christian Majesty : 'That he had not yet dared to send that Answer to the King, for fear of angering his Majesty, who would be extremely moved at it ; but that he should be forced to send it, unless they gave him a more agreeable Answer : That is was not for want of Men that the King his Master had desired to have a Regiment Raised, but purely to shew the Consideration he had for the Canton of Bern. And that he desired the Deputies to communicate that Memorial to their Sovereigns.

The same Day that *Puisieux* sent the Letter before-mentioned to the Dyet, they concluded and communicated the Project of Neutrality for Savoy to the Minister of France by way of Letter, his Excellency being at Soluthern, and to the Envoy of the Duke of Savoy, and contained in Substance: 1. That the King of France should immediately withdraw all the Troops he had in Savoy. 2. That during the present War the Dominions of the Duke of Savoy on that Side the Alps, should be no ways attack'd by the Arms of France, and that no French Troops should be allow'd to march through Savoy, to attack the other Dominions of his Royal Highness. 3. That the Duke should not attack France on the Side of Savoy, nor be allow'd to march any Troops through that Country. 4. That his Royal Highness should immediately withdraw all his Troops from Savoy, except from the Fortress of *Montmelian*, upon the Conditions hereafter expressed. 5. That in order to secure the Performance of this Treaty of Neutrality, the Cantons should send a Regiment of 1500 or 2000 Men to quarter in Savoy. 6. That the Garrison of *Montmelian* should consist of Two Thirds *Switzers*, and the other Third of *Savoyards*, but should be commanded by a Governor or Commander appointed by his Royal Highness, who, as well as the other Officers, both *Switzers* and *Savoyards*, should take the Oath punctually to observe the Neutrality, and that for the better Observation thereof, there should be appointed a Deputy of the *Switzers* to represent the Cantons, without whose

April.

whose Advice and Participation, the Governour should undertake nothing in Military Affairs. 7. That during the Continuation of this present War, the *Switz* Troops in *Savoy* should be paid out of the clearest Revenue of that Dutchy, without, as was expressly declared, prejudicing in the least the Sovereignty of his Royal Highness. 8. That the Cantons should appoint the Officers of their own Troops: And, 9thly and Lastly, That the *Swiss* Troops should acknowledge and obey the Governour or Commander appointed by his Royal Highness, in the same manner as was usually observed in other Places, where the Troops of that Nation were employ'd.

On the 27th, the Gentleman who was sent to the Ambassador of *France* with these Articles, and a Letter, return'd to *Baden*, and the next Day delivered a Letter from that Minister, in Answer to that of the Cantons, containing in Substance :

*French*  
Ambassa-  
dor's Let-  
ter to the  
Dyet.

‘THAT the Proceedings of the Cantons to obtain the Neutrality of the Dutchy of *Savoy*, was a manifest Partiality in favour of that Prince. That he was weary to repeat so often the Assurances he had given them, that there was no Cause to entertain any Fears on the Side of *Savoy*. That he could not return any other Answer at present, but would send their Letter to his Master, and procure an Answer in Writing, which he would communicate to the Cantons at their next Meeting, which was appointed on the 18th of *May*.

The Deputies having nothing else to do in this Place after that Answer, return'd Home the 29th to have new Instructions from their respective Cantons, and a full Power to conclude that important Affair.

But before the Dyet broke up, *Mellaredé* thought fit to quicken them with a fresh Memorial, setting forth the Insincerity of *France* in respect to the Neutrality and other Matters, and the same was couched in these Terms.

Mof

*Most Illustrious and most Puissant Lords !*

**H**IS Royal Highness, my Master, being inform'd of your Care, most Illustrious and most Puissant Lords, to keep him your Neighbour. and of all the Steps you take to that End, has order'd me to return you his most sincere Acknowledgments for it, and to assure you that he will omit nothing on his Part to preserve so agreeable a Neighbourhood as yours.

*April.*

*M. Uvede's  
Memorial  
to the  
Diet.  
25.*

You see what Efforts he has made to drive the *French* out of *Savoy*, to the End you might surmount the strongest Obstacles that were laid in your Way by the Ambassador of *France*, whilst the King's Troops were possess'd of that Province, and that you might the more easily settle a Neutrality. He neglected the Advantages he might have obtain'd in *Italy*, to favour the Measures you are taking to secure your Liberty.

But it is of Importance now to his Royal Highness to be satisfied what he is to expect. You know, most Illustrious and most Puissant Lords, that at this Juncture every Moment is precious, and that it behoves him to make use of every favourable Opportunity that he can lay hold on.

The *French* have taught us by their past Conduct what Measures they will observe for the future : They only seek to get Time; to defer giving you the Satisfaction you desire for your Security ; to try whether they can put themselves into a Condition to repulse his Royal Highness's Troops ; to retake *Savoy*, and to shut you up once more on that Side, that they may be able to make the same Objections their Minister did in the Laudable Diet at *Soluthern* ; and to inspire an Opinion into his Royal Highness, that all the Efforts he can make to preserve your Neighbourhood will always be ineffectual ; and consequently to make it an indifferent Thing to him whether he have such Neighbours or not ; that they may the more easily compass their Ends. You may now discover, whether the Intentions of *France* towards you are good, and whether they are levell'd at his Royal Highness, or at your Liberty ; whether they have any Consideration

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for

*April.* ' for you, or whether they slight your Representations.

' Give me Leave, most Illustrious and most Puissant Lords, to tell you with my usual Sincerity, that it is in your Power to make *France* have all the Regard for you that you can desire : You need but take a firm Resolution, and signifie to their Ambassador, with your accustom'd Plainness, that you will not neglect the Conservation of *Savoy*, which is absolutely necessary for your Security ; and that if *France* will not consent to a Neutrality for that Province, you cannot forbear taking Measures to hinder their shutting you up on that Side ; and that they had better satisfy you in granting what you have so long demanded for the Security of your Liberty, than oblige you to make use of the Means you have in your Hands to preserve that Liberty.

' But you must tell them this in such a Manner as may convince them you will take no farther Putoffs, that you are weary of being amused, and that 'tis time to put an End to an Affair that has been depending Five Months. As soon as you shall speak or write resolutely to the Ambassador of *France*, be assured he will infallibly discover to you what Orders he has, which cannot but be such as are conformable to your Intentions ; at least, unless *France* has so much Indifference as they have Obligation to you ; or, to speak plainer, unless they will fairly shew that they have a Design upon your Liberty.

' To conclude, I am enclined to treat Monsieur *Puisieux* with all the Respect that a Man ought to have to the Persons whom Sovereign Potentates have honour'd with a publick Character, though he has none for me : But if he goes on as he has done hitherto, you will not take it ill if for the future I give him the same Terms he has bestow'd on me.

' I beseech the Almighty to shower upon you most Illustrious and most Puissant Lords, Prosperity and Blessings of all sorts.



Our next Stage is *Hungary*, where after the Defeat General *Heister* gave the Malecontents on the *Raab*, as before noted, he advanced to *Papa* with the main Body of the *Imperial Forces*, whereupon the Magistrates sent out Deputies to acquaint him, that they were ready to submit to the Emperor, and did so accordingly. On the 13th, he sent his Son to *Vienna*, with the News, That after the Town of *Papa* had submitted to the Emperor, the Field-Marshal advanced without any Opposition, by the Way of *St. Martinsberg*; and on the 8th came within Sight of *Stuhlweissenberg*, or *Alba Regalis*, where he found a considerable Body of Malecontents under the Command of Count *Daniel Esterhazy*, drawn up on a Plain, but on the first Attack they gave Ground, and a considerable Number of them was either killed or drowned in a Morass between their Camp and the City, which having capitulated, was surrendered by the Malecontents the 9th. That he sent home the Peasants that were found there, having first dismounted and disarm'd them, and received the Regular Troops into the Emperor's Service. The 20th, General *Tramp* made a Descent in the Island *Schut*, of which he sent the following Account: That on the 19th, he embark'd at *Presburg* with Six Battalions of *Imperialists*, and Two of *Danes*, making in all Fifteen Hundred Men, in Five small, and Thirteen large Barks, to go and attack the Rebels in the Island *Schut*. That on the 20th at Day-break he commanded Lieutenant-Colonel *Malmoe* to land on that Island with 150 Horse, who marching up towards the Village of *Pistorf*, without meeting any Opposition, took Post in the Neighbourhood of that Village, and he follow'd him with the main Body of his Troops. Being arrived there, he immediately drew them up in Order of Battle, and order'd Monsieur *Malmoe* with his Detachment to move forwards, who, after some Skirmishing by the Way, advanced to the Village *Pistorf*, situated a League and Half from the *Danube*, and put to Flight the Malecontents that were there, though they had thrown up Intrenchments. Being possess'd of the Village, he posted his Men in the Church-yard. In the mean time, the Rebels rallied at a little Distance from thence, and an Hour

*Hungarian*  
an Male-  
contents  
defeatee.  
8.

General  
*Tramp's*  
Descent  
into the  
Isle of  
*Schut*.

*April.* after came and charged him with 4000 Men Horse and Foot. The Fire was great on both Sides, so that of the *Imperialists* one Lieutenant and several Soldiers were killed, but the Enemy's Loss was greater. That as soon as he was inform'd of what was doing, he commanded a Battalion of *Danes* to hasten to the Assistance of the Lieutenant-Colonel, and follow'd them himself with the rest of his Forces with all possible Expedition. That being come near the said Village, he drew up his Men in Battalia, and caus'd a Body of the Rebels that were posted within a Line on one side of the Village, to be attacked; and observing they had a great Number of Foot on that side and that they had a Redoubt there with a very high Rampart and a deep Ditch, he caus'd that Redoubt likewise to be attacked by his Left Wing, composed of Two Battallions one of *Germans* the other of *Danes*, who after they had beaten the Rebels from their Redoubt, set Fire to the Village and burnt it all down the Church only excepted; so that the Rebels who were dispersed here and there in the Houses, were hard put to it to escape, nay several of them were killed by his Men, and others perished in the Flames. While this was doing, he had intelligence the Rebels designed to return to the Charge with 8000 Men, and seeing he could expect no Succours from General *Heister*, he judg'd it proper to retire late in the Evening towards the *Danube* where he arriv'd in the Night; the next Morning at Day break, his Men had no sooner begun to re-embark to pass the River, but the Rebels fell upon them with great Fury. Some Officers retiring unseasonable, occasioned some Disorder, insomuch that 200 of his Men were left behind by themselves and were much exposed to the Fire of they Rebels. The retreated fighting however under the Conduct of the Lieutenant Collonel *Malmoe*, to the River side and got on board. After which he returned to *Presburg*. That notwithstanding he found it convenient to retreat he reckon'd this Attempt to beat the Enemy out of the Island *Schut*, cost him but Sixty Men, killed or wounded, besides Sixteen that were drown'd, by endeavouring to re-embark themselves with too great Precipitation.

cipitation: On the other Side, he supposed the Malecontents lost some Hundreds.

On the other Hand, the Field-Marshal, on the 22d, pass'd the *Danube* to relieve *Newhausel*, which was in great Streights; on his Approach the Malecontents that block'd up that Place drew off; whereupon he put in Stores of Provisions and a Reinforcement of Men, and marched back again to *Comorra*.

We have already mention'd the Offer of the Mediation of *England* and *Holland* for accomodating the Disorder in *Hungary*, we find now about the Beginning of this Month, that Prince *Ragotzi*, Count *Berezeni*, and others of the Chief among the Malecontents, met at *Gaengw*, where the Archbishop of *Colocz* went to confer with them: And on the 10th the Provost of *Colocz*, and one *Occoluciani*, a Protestant, who was Eighty Years old, and much revered among the *Hungarians* for his Probity and Knowledge of their Laws, arrived at *Vienna* from thence to give the Emperor an Account of what passed in that Assembly, and to endeavour to settle Preliminaries with the Imperial Court, in order to treat of an Accommodation. These Deputies have had several Conferences with the Imperial Ministers, and in an Audience they had of the Emperor the 26th, demanded his final Resolution on the Proposals they had given in; whereupon they were told, they should soon have an Answer to every Article. But Things being not yet ripe for any solid Agreement, we shall proceed to the Affairs of other Parts; only we must first take Notice, that on the 30th *Erla* surrendred to the Malecontents, who found in it 42 Pieces of Artillery, and 2000 Weight of Gun-powder.

The Confederate Dyet of *Poland* being, according to their Adjournment, to meet on the 3d of this Month, and the Palatine of *Posnania* being not yet come back from the King of *Sweden*, to whom he had been sent, they deferr'd going upon Business, and adjourn'd to the next Day; and from thence several other times without doing any thing. But on the 14th the long expected Answer of the King of *Sweden* was brought by the Palatine, and consisted chiefly of the following Articles.

April.

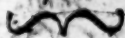
*U* K. of Swe-  
den's An-  
swer to  
the Polish  
Confede-  
rate Dyet.

14.

Interreg-  
num a-  
greed on.  
19.

I. That his Majesty will execute the Instrument of Security he gave last Year, without demanding any Dismembring any of the Provinces and Territories of the Republick. II. That the *Interregnum* being declared, and a new King elected and crown'd, his Majesty will withdraw his Troops, and advance 300000 Rixdollars to the Army of the Crown for the Republick. III. That *Poland* joining their Forces with those of *Sweden*, his Majesty will let the Confederates have the Territories that shall be conquered. IV. That then his Majesty will release all the Prisoners that are now in the Hands of the *Swedes*. The 16th the Congress met in the Cardinal-Primate's Palace; and the Marshal invited them to meet again the next Morning, to read and examine the whole Answer brought from the King of *Sweden* by the Palatine of *Pesmania*; which was done accordingly the 17th, and a Letter written by the Queen Dowager of *Poland*, touching the Imprisonment of the Two Princes her Sons was likewise read, and an Answer to it was resolved upon. The 18th the Point of the *Interregnum* and of fixing a Day for a new Election was debated, but the Congress could come to no Agreement upon it, on the Contrary the Debate was managed with great Warmth, and many sharp Speeches were made. But the 19th, The Cardinal Primate having found Means to remove several Difficulties, a Resolution was pass'd to declare and publish the *Interregnum*, to Print the Articles of the Confederacy, and to send them to the little Dyets that were to meet in *May*. After this it was propos'd that a Deputation should be sent to the King of *Sweden* to inform him of these Resolutions, and desire him at the same Time to make good his Promise, in exempting all the Lands of the Confederates from all Contributions; but his Eminency judg'd that since the great Work was done, it would be sufficient to acquaint the King of *Sweden* of these Things by a Letter; which accordingly the Marshal was directed to draw up, that it might be read in the Session on the 20th. Accordingly it was read that Day, and contained in Substance, a Notification of the Resolution taken by the Congress to declare the *Interregnum*, with a Request to his *Swedish* Majesty to give immediate Orders for a Stop to be





Cardinal-  
Primate's  
Letter to  
the petty  
Dyets.

put to the raising of Contributions, and to all violent Exactions, at least on the Lands of the Confederates. The 25th the Marshal read in the Congress a circular Letter the Cardinal had drawn up in the Name of the Confederates to send to the several *Palatinates* with his Summons to the little Dyets of the *Palatinates* to meet the 5th of May; the said Letter was in this Effect, 'That the Confederates had deferred publishing the *Interregnum* so long, to see whether the King would acknowledge the Faults he had committed; and give Satisfaction to the Republick; But since he had not done it, and that that there was no likelihood of his Majesty's observing any better Conduct for the Future, they were at length obliged to determine to publish the said *Interregnum*, for redressing the publick Affairs and re-establishing the former Liberty of the Republick: And that they hoped all the *Palatinates* would concur with them, and enter into the Confederacy, to the End they might take speedy and proper Resolutions for the good of the Publick. Then the Marshal desired the Confederates would meet the 27th at his House, to fix the Day for electing a new King; Accordingly they met, and after some Debate resolved to proceed to the said Election on the 15th Day of May; But so many rubs fell in the Way that it was put off several Times till the 12 of July.

In the mean time, General *Reinschild* with a Body of Swedes marching from *Cracow* down the left side of the *Vistula*, and being informed the 1st instant that the King of Poland had ordered a Bridge to be laid over that River at *Pictrowin*, and that Two Battallions of Saxon Foot had taken post at the End of the Bridge and thrown up a Breastwork to defend it on that side the River he was on, he marched thither with a Design to have surprized the King's Army; but his Majesty having notice of it, caused the Two Battallions we have mentioned to re-pass the River and break down the Bridge, and to erect several Batteries on the Banks of the River on the side of *Pictrowin*, from whence they plied the Swedes so warmly, that General *Reinschild* was obliged to retire with the loss of Sixty Men. After which he marched on towards *Warsaw*.

April.

K. of Poland in  
Danger of  
being  
burnt at  
*Pietrowin*.

19.

But the King continued at *Pietrowin*, where the 19th in the Night a Fire broke out in that Quarter of the Town where his Majesty lodged, and grew so violent on a sudden that 33 Persons were burnt or smothered, and that the King himself with the rest of the Court had but just time enough to escape. The King's Papers were burnt, as also part of his Baggage and 19 of his Horses. Among those that lost their Lives were Monsieur *Pomstorf*, Monsieur *Witzleben* one of his Majesty's Councillors, *Messieurs Pflug* and *Peutrig* Gentlemen of his Bed Chamber, his Majesty's chief Physician, Monsieur *Pretten*, his Surgeon, Mr. *Fischer*, one of his *Valets de Chamber*, Mr. *Disre* Surveyor of his Buildings, and Mr. *Bandomir* one of his Pages. Other Officers of the Court lost all their Baggage, and above 100 Horses were burnt. The Fire was supposed to have been kindled by some Incendiaries, at the Instigation of the King's Enemies: However it were, his Party seem'd now to encrease, and some about this Time pretended to inform us, that the King of *Denmark* had written Letters to all the *Polish* Senators, and particularly to the great General, to exhort them to Union and Concord, and not to declare against the King. That he had likewise sent an Envoy to the King at *Pietrowin*, to offer his Mediation for accommodating Things between him, the King of *Sweden*, and the Republick.

In the mean time, the King of *Sweden* knowing of what Importance it would be to have the City of *Dantzick* on his Side, he thought it best to summon the Magistrates to go pay an old Debt due to the Family of *Guldenstern*; then to withdraw their Obedience from the King of *Poland*, and to declare what Revenues and Effects of his they had in their Hands. We were never yet certainly inform'd what Answer they made to these Demands: It's likely they demurr'd, and would temporize a little to see how Things were like to go: Wherefore Count *Steinbock* on the 22d made these Proposals to them.

*Swedish*  
Proposals  
to the  
*Dantzick-*  
*ers*. 22.

‘HAving with all Humility transmitted to the most  
Serene King my Master the Answer of your  
Deputies to my last Memorial, I received to Day  
an

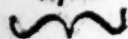
'an Answer from under his Majesty's own Hand, the  
'Substance of which is as follows:

I. 'As to the Demands of the Family of *Gulden-  
stern*, though his Majesty hath a Right to demand  
'both the Principal and the Interest, without any A-  
'batement, and though he has Power in his Hands  
'to compel the Payment, if refused, yet his Maje-  
'sty has the Goodness to declare, That as he wishes  
'no manner of Harm to your City, but rather is fa-  
'vourably inclin'd to endeavour the Advancement of  
'its Prosperity; so he likewise considers, that during  
'this Time of War and Confusion its free Commerce  
'has been interrupted, and therefore Money (which  
'his Majesty does not much insist upon) may be  
'scarce amongst you, for which his Majesty in Con-  
'sideration of the good Comportment of the City  
'hitherto, will be contented that the *Alterum tantum*  
'offered by the Magistrates be paid to the said  
'Family.

II. 'As to the Matter of a Burgrave, the City  
'must not for the future pretend to accept of such  
'Officers upon the Nomination of King *Augustus*,  
'nor suffer him who is already nominated to exercise  
'that Office, but to let that Affair hang in Suspence,  
'till a Burgrave shall be appointed by a new King.  
'The Magistrates of the City must likewise renounce  
'all Allegiance and Obedience to King *Augustus*, on  
'Pain of having the City and its Territories treated  
'in an Hostile Manner, and ruined by his Majesty;  
'and accordingly they must give an Assurance in  
'Writing, that they will not henceforward pay Obe-  
'dience to King *Augustus*, but to the Republick only,  
'who has thought fit to renounce all Allegiance, and  
'declare against him.

III. 'All the Revenues arising to the King of *Poland*  
'from the City of *Dantzick*, must be paid to the *Swe-  
dish* Army, from the Time they came before *Thorn*  
'till a new King is elected; and if any of that Re-  
'venue has been disposed of since the said Army sat  
'down before *Thorn*, it must be repaid to his *Swedish*  
'Majesty for the following Reason. That where-ever  
'his Majesty has passed, he has never fail'd to sieze  
'all the Revenues belonging to the King of *Poland* in  
'all the Towns and Territories he has been in; and  
'by

April.



‘by Consequence the Town of *Dantzick* can have no pretence to be solely exempted from such Payments which others have voluntarily made.

‘And tho’ his Majesty has had the Goodness not to put a Garrison into *Dantzick*, yet the City must carry it self as respectfully as if there were actually a Garrison in it, and by doing their Duty prevent their Ruin; it being sufficient that his Majesty treats them as favourably as he has done *Marientbourg*, and other Places that have submitted to his Will and Royal Commands.

‘These Revenues of the King of *Poland* from *Dantzick* had been demanded long ago had his Majesty thought of it sooner; so that the *Interregnum* signifies nothing in this Affair, nor does his Majesty now demand these Revenues on that pretence; for if there were no *Interregnum* nor, ought to be none, yet the City must be obedient in all Things, unless you would rather Chuse to be treated as Enemies; And tho’ King *Augustus* were still King of *Poland*, yet all the Places where his Majesty comes must obey him and not the King of *Poland*, as has been practiced all along where-ever his Majesty has set his Foot. And besides, in Case the City will be obedient to his Majesty’s good Pleasure, he promises it all Security and an intire Exemption from Contributions, which his Majesty might otherwise demand.

IV. ‘His Majesty is informed, that King *Augustus* is still pray’d for in all the Churches of *Dantzick*. He imagined the City would of it self forbidden that Custom as soon as his Majesty came into *Prussia* with his Army; wherefore ’tis his Majesty’s Will now, that henceforward the City forbid it, (as other Towns of *Prussia* have been obliged to do) unless she is minded to be treated as an Enemy. His Majesty wonders, that since King *Augustus* is no longer acknowledged King of *Poland*, this City still prays for him, and singly owns him for King, which his Majesty looks upon as an Act of Hostility.

‘His Majesty therefore will have no King pray’d for in the City till there be a lawful one. If the City refuse to obey his Majesty in the Matters recited, his Majesty will not hinder nor prevent the Evils



'Evils that threaten it, though he is rather inclined to spare it and its Territory, and to avoid Extremities. 'Twill be in vain to hesitate on this Occasion, the City must declare on one Side or other; and without Delay, I say, or no.

April.

'This is the Contents of the Letter his Majesty has been pleased to send me under his Hand; and as his Intentions appear plain enough by it, I have nothing to add, but to desire the Magistrates and Council of the City to take it into due Consideration, &c.

M. Steinbeck.

We'll leave the Magistrates of *Dantzick* to consider of these Things, and finding no Action passed this Month either on the *Danube*, the *Rhine*, or the *Moselle*, though we were in Expectation of somewhat in *Germany*, though we shall have enough of it hereafter, we proceed to the next; and having nothing to call us over into *England*, or at least to occasion our Stay there, saving that the Right Honourable *Robert Harley*, Esq; Speaker of the House of Commons, was on the 18th, by Her Majesty's Command, sworn one of Her Majesty's Principal Secretaries of State; we pass again into *Portugal*, and find that Sir *George Rook* on the 11th sail'd out of the River of *Lisbon* with the Fleet under his Command, and the Prince of *Hesse Darmstadt*, with a Body of Land-Troops, on Board, they made the best of their Way into the *Mediterranean*, and on the 18th of *May* appear'd before *Barcelona*.

May.

Mr. Harley made Secretary. 18.

They had very well concerted their Measures, and nothing but the Discovery of a Design to give up the Place to them a few Hours before the Landing of the Troops, could have hinder'd them from being Masters of that important City; so that the Forces to the Number of about 2500 Men returning on Board again; to favour which the Admiral threw a few Bombs into the Place, having otherwise no Design to injure it.

Design of taking *Barcelona* miscarried

Thus far our publick Accounts: But for this and some other Adventures that happen'd this Month in the *Mediterranean*, take the Substance of the following Letter, writ by an Officer, from on Board the Fleet, to a Person of Quality, tho' it bore Date on the

May. the 7th of June. ' That on the 8th of May, being  
 ' then about 100 Leagues up the *Streights* of Cape  
 ' *Palos*, they saw a Squadron of *French* Ships of War,  
 ' Six in Number, and they were by Orders from the  
 ' Admiral, chased by Two of our 80 Gun Ships, *i.e.*  
 ' the *Somerset* and *Cambridge*; Four of 70 Guns, the  
 ' *Grafton*, *Yarmouth*, *Berwick* and *Burford*; one of 50,  
 ' the *Tiger*; and one of 40, the *Lark*. That they  
 ' themselves with the whole Fleet chased till it was  
 ' dark, and then kept on their former Course. That  
 ' their Ships that chased had also the Advantage of  
 ' the Moon, which happen'd to be at the Full, and  
 ' Rise upon the Enemy, and the last Sight they had  
 ' of them, their Ships seem'd to have gain'd considerable  
 ' on the *French*. That on the 10th they anchor'd  
 ' with the Fleet in the Bay of *Altea*, which is  
 ' in the Kingdom of *Valencia*, and a most excellent  
 ' Place of Watering; at which Time also they saw  
 ' there Eight Cruisers coming in, to their great Surprise,  
 ' with the following Account; That the  
 ' Night they separated from them, they found that  
 ' the *Tiger* of 50 Guns, the *Berwick* of 70, and the  
 ' *Lark* of 40 Guns, much out-sail'd the *French*, inso-  
 ' much, that the *Tiger* was all Night within half Gun-  
 ' Shot of headmost of the Enemy; and so might also  
 ' have been the *Berwick* and *Lark*, but that they  
 ' shortned Sail in the Night, which was the Reason  
 ' that at Day-break the next Morning they were the  
 ' further astern, otherwise those Three Ships might  
 ' have then begun to engage the *French*, and kept them  
 ' in Play till the rest of their Ships had come up one  
 ' after the other to their Assistance, by which Means  
 ' had they met with the good Fortune of disabling  
 ' any of the Enemy's Ships, those must undoubtedly  
 ' have fallen into their Hands: For if the rest had pre-  
 ' tended to have staid to their Protection, they must  
 ' have all undergone the same Fate, wheteas any of  
 ' ours that engaged first meeting with the like Mis-  
 ' fortune, would only have fallen astern amongst the  
 ' the rest of our own Ships. But that instead of work-  
 ' ing thus, as they ought, at Four in the Afternoon  
 ' Sir Andrew Lake, in the *Grafton*, leaving off, the  
 ' Chase, made a Signal to the Captains to come on  
 ' Board him, that accordingly our headmost Ships  
 ' near

Sir An-  
 drew Lake  
 blamed.

'near the Enemy were likewise obliged to do the  
'same : But Capt. *Price*, in the *Sommerfet*, coming up  
'in Half an Hour, kept on chasing, only in passing  
'by the *Grafton* call'd to Sir *Andrew*, asking the Rea-  
'son why he left off Chase so near the *French*, having  
'a long Day before them? To which the other re-  
'ply'd, If he would come on Board he should know  
'his Reasons, which *Price* absolutely refused, being  
'an elder Officer, and which made it an unpardonable  
'Presumption in Sir *Andrew* to make any Signal. But  
'*Price* seeing they were all brought too, and would  
'not follow him, could not help doing the like.

He goes on, and says, 'Tis truly one of the most  
'scandalous Actions that, he thought, was ever done  
'at Sea. They told us, to paliate, as they thought,  
'that the *French* Ships were 70 and 80 Guns; but  
'we know since by very certain Intelligence we have  
'lately had from *Thoulon*, that the biggest of them  
'carried but 60 Guns, the rest of 50, 54 and 56,  
'being a Squadron fitted out for the Troops and  
'Bomb-Vessels besieging *Nice* and *Villa-Franca* in Sa-  
'voy, commanded by Monsieur *Caen*; but upon Ad-  
'vice of our Fleet's being designed that Way, they  
'were countermanded, and sent to *Cadiz* for to join  
'their Fleet coming from *West France*; and that  
'moreover they were foul Ships, it being above Two  
'Months since they were clean'd for that Expedition.  
'Tis said, Sir *Andrew Lake*, and the rest of the Cap-  
'tains concern'd in that shameful Action, would  
'be try'd at a Court-Martial, and have their De-  
'serts, &c.

'That on the 18th they arrived with the Fleet be-  
'fore *Barcelona*, where an Officer was sent on Shore  
'with a Flag of Truce, and the Prince of *Hesse's* Se-  
'cretary, who had some Dispatches for the Vice-  
'King Don *Francisco de Velezco*; but he would not  
'admit them. That on the 19th in the Morning, the  
'Prince of *Hesse* (upon Assurance given him from se-  
'veral of the principal Burghers of the City, that if  
'he would only land with 2 or 3000 Men for a Shew,  
'and at the same time throw some Bombs into the  
'Place, they were ready to the Number of 6000, and  
'would constrain the Vice-King to deliver up the  
'Place, the Garrison consisting only of 1000 *Neapo-*  
'*litan*

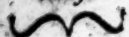
May.

' *titan* Foot, and 200 *Spanish* Horse. They landed  
 ' about Two Miles from the City with all their Ma-  
 ' rines, which, with a Company of *Catalan* Foot  
 ' they brought with them, and the Volunteers, which  
 ' amounted to full 2000 Men; that the same After-  
 ' noon several People came in to them from the City,  
 ' and a great Number from the Country. That the  
 ' Prince sent a Drummer to summon the Governour  
 ' to surrender, who not returning the next Morning,  
 ' they began to bombard the Town, upon which  
 ' they sent back the Drummer, but with very un-  
 ' grateful News; for by it they found the Chief of  
 ' their Party had been discover'd, and were clapt into  
 ' Prison; so that nothing was to be expected, these  
 ' People having ruined themselves and our Design by  
 ' their Delay and Want of Courage. That the next  
 ' Morning early they embark'd their Men again, ha-  
 ' ving bombarded the Town all Night with good  
 ' Success, and sail'd away again with the Fleet. That  
 ' this Design only fail'd of succeeding for want of 5 or  
 ' 6000 Men, being what a near Relation of the Au-  
 ' thor of the Letter had propos'd in the House the  
 ' last Session. That had his Advice been follow'd,  
 ' they should now have been Masters of all *Catalonia*,  
 ' *Valencia* and *Aragon*, and cut a much easier Way  
 ' for *Charles* III. to *Madrid*, than he doubted he would  
 ' hereafter find; for they found the Country was en-  
 ' tirely ours, the *Spaniards* Affections being wholly  
 ' alienated from the *French* Government. That on  
 ' the 25th, they being off *Thoulon*, the *Charles* Galley  
 ' join'd them from *Lisbon*, with an Express from  
 ' Mr. *Methuen*, giving the Admiral an Account, that  
 ' a *French* Fleet, to the Number of 40 Sail, had pass'd  
 ' by there; and the Captain said, that Eight Days be-  
 ' fore he had pass'd by them, counting 42 Sail, off  
 ' the *Strights* Mouth, which was a great Surprize to  
 ' them, and no less a Providence that they got this In-  
 ' telligence before they were up so high as *Nice*; for  
 ' thither were their Orders to have gone to hinder  
 ' the Design the *French* had of bombarding it; for  
 ' then they would have joined with the *Thoulon* Ships,  
 ' which would have made them much superior to us,  
 ' and it would have been very difficult for us to have  
 ' got by them without fighting, the Event of which  
 ' must



'must in all Likelihood have proved fatal to us. Up-  
 'on which, in a Council of War it was resolved,  
 'That they should make the best of their Way back,  
 'and endeavour to intercept the *French Fleet* they had  
 'Notice were coming up the *Streights*, than which,  
 'by all Accounts, they were much stronger, if those  
 'Ships *Sir Andrew Lake* let go had not joined them.  
 'That according to this Resolution they turn'd Tail,  
 'and on the 27th at Night, being then near 40  
 'Leagues from *Thoulon*, the Scouts discovered the  
 '*French Fleet*, the next Morning by Break of Day  
 'they saw them themselves, to the Number of 38  
 'Sail, we having then in our Fleet, great and small,  
 'to the Number of 62 Sail. That the Enemy had  
 'the good Fortune to have the Wind come up in  
 'their Favour, being, indeed, a very great Advan-  
 'tage, but that it lasted not long, proving afterwards  
 'calm, and about Two in the Afternoon had a small  
 'Breeze for the Confederates; but it quickly left  
 'them: Yet, that by the last Sight they had of them,  
 'before it was dark, they were considerably nearer  
 'them than in the Morning; that the *Newport*, one of  
 'our small Frigats, being within Gun-Shot of some  
 'of them that Afternoon, sent them an Account, that  
 'their Fleet consisted of 42 Sail, amongst which,  
 'to the best of his Judgment, there were 30 Ships of  
 'the Line of Battle, Five of which were Ships of  
 'Three Decks, the rest of 70, 60 and 50 Guns,  
 'some Fire-Ships, small Frigats, Bomb-Vessels and  
 'Tenders. That one of their Ships of about 70  
 'Guns had lost her Main-Mast. That our Fleet con-  
 'sisted of 40 Ships of Line, of which there were but  
 'Four of Three Decks. That on the 29th, at Break  
 'of Day in the Morning, they saw the Enemy's  
 'Fleet; but found them at least to be a League fur-  
 'ther off than the Night before, of which they knew  
 'the Reason in the Afternoon from the *Newport*, who  
 'had kept near them all Night, viz. that they had  
 'kept continually, while 'twas calm, or little Wind,  
 'towing their Ships with all their Boats, and had  
 'got the Ship which had lost her Mast foremost, by  
 'all which, and their not keeping in any Order, as  
 'before, and not shewing their Flags, we found  
 'they were in great Fear of our getting up with  
 'them.

May.



‘ them. That at Night they judged they had near  
 ‘ regain’d what they had lost in the Night: But Sir  
 ‘ *George Rook* consulting with all the Flag-Officers as  
 ‘ soon as it was dark, that the *French* could not per-  
 ‘ ceive it, they left off chasing them, and bore away.  
 ‘ That it was most certain, the *French* having had al-  
 ‘ most always the Advantage of the Wind over them,  
 ‘ it was not possible for us to bring them to an En-  
 ‘ gagement, but by sending our best Sailors a-head,  
 ‘ which was thought by all the Flags too great a  
 ‘ Risk, &c.

K. of Por-  
 tugal sets  
 out for  
 the Field.  
 28.

However this matter were, Sir *Andrew Lake* being  
 afterwards tried and acquitted, let us again return to  
*Lisbon*, which Place the King of *Portugal* left on the  
 28th Instant with a very magnificent and splendid  
 Equipage, having Thirty led Horses and Sixty Mules  
 for his Baggage, all covered with Caparisons of Green  
 Velvet, with the Arms of *Portugal* in Gold and Silver:  
 His Majesty intended to stay at *Santarem* for the King  
 of *Spain*, who set out from *Lisbon* the 30th, and the  
 Two Kings intended to proceed from that Place to-  
 wards the Frontier. On the other Hand, King *Philip*,  
 whom we left last at *Placentia*, set out from thence  
 on the 1st Instant, and arrived at *Alcantara* the 5th.  
 and the same Day, in the Evening went to the Camp  
 near that Place, where he held a Council of War, and  
 declared his Intention to invade *Portugal* the 7th. The  
 heavy Cannon and Mortars were accordingly order’d  
 to be drawn towards *Salvaterra*. The 6th. was spent  
 in making Preparations for the Siege; and his Majesty  
 caused the following Proclamation to be made at the

K. *Philip*’s  
 Procla-  
 mation.  
 6.

Head of the Army: ‘ Being resolved to begin the  
 ‘ War in *Portugal*, I have given Orders for my Troops  
 ‘ to enter that Kingdom to Morrow the 7th, and I  
 ‘ forbid them, on Pain of Death, to make any one a  
 ‘ a Prisoner, or do Hurt to any Person who shall not  
 ‘ be found in Arms: I likewise forbid all Plundering,  
 ‘ allowing only of the taking what is needful for the  
 ‘ Subsistence of the Soldiers, and for Forage. I like-  
 ‘ wise forbid, on Pain of Death, the doing any Da-  
 ‘ mage to Churches, and other sacred Places, to Wo-  
 ‘ men, Children, Priests, and Persons of any Reli-  
 ‘ gious Order. The 7th he rode round *Salvaterra*.

The

for the YEAR, 1704.

The Place was invested by the Count *d' Aguilar*, the eldest Lieutenant-General, and the Besieged made several Shot from their Cannon. The Besiegers made themselves Masters of a Mill, in which they found a great Quantity of Meal. The 8th the Count of *Colemanar*, the King's *Aid de Camp*, was sent with a Trumpeter to summon Don *Diego de Fonseca*, the Governour, to surrender the Place, and he and his Garrison were threatned to be treated with the utmost Rigour in case of Refusal. He answer'd, That he would surrender, knowing the Superiority of his Catholick Majesty's Forces; that he would not oppose the Justice and Will of God; that he would put himself into his Majesty's Hands, and hoped to receive Marks of his Royal Clemency, and sent Two Captains of the Garrison to declare the same Thing; but yielded himself Prisoner of War, with 600 Men, of which his Garrison was composed. The 9th, the King made his Entry into the Town; and there was found in the Castle, which is pretty strong, a great many Arms, Six Pieces of Brass Cannon, and One of Iron. The same Day the Town of *Segura*, which was invested by Colonel *Mahoni*, surrendred at Discretion. The 10th, the Count *d' Aranz* took Possession of *Ceberos*, which the Portuguese had abandoned, leaving some Arms in it, and Two Pieces of Cannon. Since which the Count *d' Aguilar* attack'd *Pena Garcia*, which endured some Discharges of Cannon, and then surrendred. The Inhabitants of *Zelbrado* abandoned it at the Approach of the Spanish Troops. Don *Joseph Salazar*, and the Marquis *de Paisogor* summon'd *Ithana la Viella*; that Place made great Resistance the 13th, but was assaulted and carried Sword in Hand.

On the 14th *Philip* sent a Detachment to possess the Posts about *Reinarinos*; and next Day having gain'd a rising Ground, advanced undiscover'd; and on the other Side, the Troopers of the Regiment of *Catalonia* on Foot attack'd the Place so furiously, that the Garrison surrender'd themselves Prisoners at Discretion, of whom some were English and Dutch. The same Day *Santa Margarita* and *Angel*, dependant on *Benba*, surrendred; so did the Towns of *Pravencia* and *d' Aguilar*, having carried that of *Monsanto* by

Takes  
*Salvatierra*  
8.

*Segura*,  
taken  
by *Philip's*  
Forces.

May.



Affault. All the Garrison was put to the Sword, except those that retired to the Castle, who yet surrender'd at Discretion. The next Places that fell into Philip's Hands without any Opposition were, *Monforte* and *Adveira*. The Garrison of *Castelbranco* surrender'd Prisoners of War to the Marquess *de Thoy*, and the Spaniards found good Store of Ammunition and Provision in the Place. On the 27th, the D. of *Berwick* having discover'd the Dutch Battalion entrench'd at the Foot of a Hill, on the Side of the River *Lita*, where General *Fagel* had been a little before, and had order'd them to retire. The *Sieur du Gast* had the Address to cut off their Retreat to the Left; but though they saw themselves hemm'd in on all Sides, they defended themselves very vigorously, and, after they had about Sixty Men killed, yielded themselves Prisoners of War, with Major-General *Welderren*, who commanded them. But for a clearer Idea of this Matter, take the following Letter of General *Fagel*, writ on the 30th from *Punbette*, to this Purpose:

SIR,

Gen. Fagel's Letter.

30.

I doubt not you have been informed of my having posted Two Battallions very advantageously a League on this side *Saxedes*, and Two others by a Rivulet, Two Leagues on this side *Villa Villa*; and that the Enemies have attack'd the first mentioned Battallions which were commanded by Major General *Welderren*. They made a motion likewise to attack the other Two, but durst not, they being too advantageously Posted. The Post Major General *Welderren* was at, was not so good, and requir'd more Men to defend it, which want I thought to have supplied with the Succours that were promised me. But the Regiment of *Armada* not arriving till the 26th late at Night at *Sabiera Formosa*, and the Enemies presenting themselves before Major General *Welderren*'s Post the 27th at Day-break, in a Body of about 7000 Men, and the Army of the Duke of *Anjou* lying but Three Leagues from thence, the Regiment of *Armada* could not arrive time enough so I ordered the said Regiment to halt by the Way, and went my self to Major General *Welderren*'s Post which I judg'd to be untenable, because the Enemies



had extended themselves into a large Front, and fill'd off on the Right, while their Left climbed the Hills and so came upon our Men in Flank. That Post was so advantageously situated, that we should not have lost our Battallions had my Intention been executed; but when I came thither, I found Things at the last Extremity, and I could only give Order for our Battallions to retire Fighting. But a Squadron of the Enemies Dragoons getting before our Battallions, stoped them in their Retreat, till their Foot came up, fell upon them, and took the grearest Part of them Prisoners; yet we did not lose any of our Colours. I rejoyned the Regiment of *Armada*, and we retired in very good Order.

To give you an Idea of the Advantageous Situation of the Ground on which our Men were posted, I need only tell you, that the Enemies labour'd Three Hours together to dislodge those Two Battallions tho' they consisted but of 700 Men: And I leave you to judge, whether if I had more Force I could not have maintained that Post and kept all the Country from thence hither free from Alarms. The Two Battallions that were at *Villa Velha*, I put into the Castle of *Dubranes*; and marched hither with the Rest of the Regiments under my Command. I am, &c.

Baron of Fagel.

On the 30th, *Philip* passed the *Tagus* on a Bridge of Boats laid at *Villa Velha*, and entred into the Province of *Alehteijo* without any Opposition, and there at present we shall leave him.

I know not what to make of the Affairs of the *Gamisars* in this Juncture. It's certain, notwithstanding any Letters or Reports to the contrary, that *Cavallier*, one of their chief Leaders, made now his Peace with the *Maréchal de Villars*, tho' the Terms are to this Day a Mystery, and therefore we shall not insist upon them: However, *Rolland*, *Ravanel*, and others, still kept as great a Party as they could in the *Cevennes*, from whence we pass into *Piedmont*, where finding *Saxa* invested yet only on the 29th by the French Troops, under the Command of the Duke *la Feuillade*, we pass on to the Duke of *Savoie*, who with

*Cavallier*  
submits.

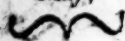
May.

Count *Staremburg* left *Turin*, on the 27th of *April*, and went to *Crescentino*, the Place appointed for the General Rendezvous of the Field Army and Detachments from several Garrisons ; and from thence marched and encamped over against *Cazal* with his Right at *Balzola*, and his Left at *Villanova*, with Design to oppose the Enemies passing the *Po*. On the other Hand, the Duke of *Vendosme* having drawn his Forces together at *Cazal*, and made the necessary Dispositions for marching, passed the *Po* the 6th instant at *Cazal* over Three Bridges which he had caused to be laid some Days before : And drew up in Battallia on the side of the River ; his whole Force consisting of 54 Battallions and 77 Squadrons. The Duke of *Savoy*, who had but 28 Battallions and 54 Squadrons, did not offer to dispute the Enemies Passage, because they were so strong and had so good a Redoubt at the Head of their middle Bridge capable of containing 4000 Men, that it was found impracticable ; and not judging it safe neither to venture a Battle with so unequal a Force, his Royal Highness decamped, and himself keeping with the Rear Guard, the Army retired towards *Trino* in so good Order, that the Enemy durst not press upon them. From thence he sent the Count *de Perla*, with 4000 Horse and Foot, to reinforce the Garrison of *Vercelli*. The 7th at Day-break the Army broke up from *Trino* to retire to *Crescentino* : The Rear Guard was composed of a Regiment of Horse, commanded by General *Vaubonne*, Eight Companies of Granadiers, and the Regiment of Dragoons of Prince *Eugene*. The Granadiers and Dragoons had passed through a Defile after the rest of the Army, while General *Vaubonne* with his Horse perceived several Standards of Dragoons ; who were the Van of the Enemies Army, and came on, attacked General *Vaubonne*'s Horse, and made them give Ground ; the General rallied after a disorderly Retreat of half a Mile, and drew up a Second Time in Battallia, and being joyn'd by the Granadiers and Dragoons that made up the rest of the Rear Guard, while he was forming a Squadron into proper Order, he was wounded in the Face, his Horse was shot under him, and he was taken Prisoner. The Troops received the Enemies Charge, but were driven back

*Vaubonne*  
taken Prisoner.

to the Village of *Ramassana*, where General *Staremb* had posted a Party of Granadiers, who stop'd the Enemy, Then the Regiment of Prince *Eugene* having time to rally, charg'd the Enemy, made them give Ground, and took 21 Prisoners, among them a Lieutenant of Horse. On *Savoy's* side, a Captain of the Regiment of Prince *Eugene* was killed, and One Standard lost, the Cornet's Horse being killed under him. His Royal Highness expos'd himself very much in the Action, and was once in Danger of being taken. The Marquess of *Andorne* who kept all the while near his Royal Highness, had his Horse kill'd under him. After the Enemy was repulsed, the Rear Guard halted a considerable Time near the Village of *Ramassana* and then retired to *Crescentino*. *Savoy* lost about 150 Men, and the Enemy must needs, as they said, have lost as many. But if you would here the Relation of this Action by *Vendosme*, he says, 'He left *Vendosme's* *Villanova* the 7th at Night, to follow the Enemy, Letier. 'who he was informed were at *Trino*. But he found 'they had been too quick for him and that they decamped the Night before, he overtook a Rear Guard 'composed of 1500 Horse and 4 or 500 Foot; he 'caused them to be attacked by the Dragoons and 'Horse of his Van Guard, who drove them before 'them for two Leagues with all possible Vigour. That 'they had infallibly been all cut in Pieces, had not 'Count *Staremb*, like a skilful General, posted his 'Infantry in separate Bodies, at certain Distances, in 'Places where the *French* Cavalry could not make way 'through them; that this, and their Foot not being 'at hand to assist their Horse, gave the Enemies Rear 'Guard time to save themselves by favour of a Wood. 'That he kill'd or wounded 400 Men and took a great 'many Prisoners, among them General *Vaubonne*, with '3 or 4 other Officers. That he had likewise taken 'Two Standards, and had but about 50 Men killed or 'wounded. That he was Master of *Trino*, which 'the Enemies abandon'd, leaving behind them a great 'Quantity of Corn, Meal and other Provisions, and 'all their Ammunition of War, which they had not 'Time to carry off. And that the Duke of *Savoy* 'himself escaped narrowly.

May,



This done, the Duke of *Vendosme* encamped at *Fontenato*, where continuing till the 30th of this Month, on which he marched to *Dezana*, we shall tarry no longer hereabout, only we shall first relate here, that on the 12th Colonel *Ebergeni* was commanded by the Prince of *Lorain* to make an Excursion with 200 Horse and 100 *Hussars* towards *Morans*, near which Place he fell in with a Party of *French Hussars*, who attack'd him first very warmly; but he repulsed them so vigorously, that Sixty of them were killed on the Spot, the Captain was wounded, the Lieutenant and Cornet killed, and the rest were pursued to the Gates of *Balzola*. One Standard and Three Prisoners were taken, which Prisoners (as some said) being known to the *Hussars* that had formerly deserted the *Imperial* Service, were hang'd by Order of General *Staremburg*; whereupon the Duke of *Vendosme* wrote a Letter to the said General, in which he told him, That such a Proceeding was not warrantable by the Laws of War. To which Count *Staremburg* return'd Answer, That he was not ignorant of the Laws of War, and had as great a Regard for them as any Man; but, as he would always use Soldiers as Soldiers, so he would treat Rebels as Rebels; and consequently that he would not spare one *Imperial Hussar*, that should be taken in Arms against his Master and his Allies.

Conigseck  
attacks  
Concordia  
in vain.

This Month produces very little from the Armies on the *Seechia*; we shall but just mention the ever to be lamented Death of Prince *Charles Thomas* of *Vaudemont* on the 12th, at *Ostiglia*, because we shall meet with it more fully in another Place. In the mean time, Count *Konigseck*, who commanded for the *Germans* a *Mirandala*, on the 6th came with 800 Men and Two Pieces of Cannon to attack *Concordia*. In the Place were Two Companies of *Granadiers* of the Regiment of *Solre*, commanded by the *Sieur de Crocœur*, and 200 Peasants, most of which ran away at the Approach of the *Germans*. Whereupon the Governour, not having Men enough to defend all the Intrenchments, and though they ply'd him hard with their Cannon, he maintained himself in it till Night; when the *Germans* being fatigued, and having Intelligence, that the *Marquess de Vaudray* and the Count

de



*de Estrades* were advancing with Succours, the one from *Mantua*, the other from the Camp of *Monfieur de St. Fremont*, near *Revere*, drew off their Artillery, and march'd back towards *Mirandola*: The *Grani-diers* follow'd them, and kill'd some of them. The *French* say, the *Germans* lost above 100 Men on that Occasion; and in the Place but Four Soldiers and Six Peasants were killed, and Fifteen wounded, besides the *Sieur de Crevecaur*, who was slightly wounded in the Hand.

We find the Grand-Prior on his part also in Motion before the End of this Month, he made himself on the 28th Master of the Intrenchments the *Imperialists* had made at the Sluices of *Saravella*; and passing part of his Troops over a Bridge of Boats into the Island of *Mezan*, we must leave him there forming his Batteries to fire upon the Towers of *Saravella*, and proceed once again to *Switzerland*, where we told you before, that a General Dyet was on the 18th Instant to meet at *Baden*, to whom the *French* Ambassador promised his Master's Answer, as to the Neutrality of *Savoy*. Accordingly all the Cantons sent their Deputies thither: The Session was open'd the 19th, and the 19th the *Marquess de Puisieux* repair'd thither from *Solutbern*, as did *Monfieur de Mellaredé*, the Envoy of *Savoy*, from *Bern*, the first of which on the 23d presented the following Memorial to the Dyet.

*Magnificent Lords,*

I Am obliged to tell you, that the King my Master *Fr. Am-* perceives with Dissatisfaction, that the continual *bassador's* Marks he gives you of his Kindness and Esteem *M:orial* for the Laudable *Helvetick* Body, produce a quite *to the* different Effect from what might be expected. *Swiss*

When your Laudable Ancestors saw their Neigh- *Dyet.* bours engaged in War, they contented themselves *23.* with taking Care to preserve the Tranquility of the inmost Part of their Country, and of their Borders, without concerning themselves with the Tranquility of their Neighbours: But you, Magnificent Lords, were not content that the King, out of Regard to you, granted a Neutrality for the *Frickthal*, the Towns of *Rhinfelden*, *Lauffenbourg* and *Constance*; you desired his Majesty to give his Word, that nei-

May.

ther his own Troops, nor those of the Elector of *Bavaria*, should post themselves along the Banks of the *Rhine* and of the Lake of *Constance*, from *Basil* to *Bregentz*: He consented. Not satisfied with this, you desired that a Tract of Country of a League in Breadth along the same Banks of the *Rhine* and of the Lake of *Constance*, might be exempted from all Military Executions, notwithstanding this Request was wholly against his Majesty's Interest, he did not stick to grant it till next *Midsummer-Day*, that you might have Time to prevail with the Emperor to shew the like Complaisance.

All these Regards which my Master has had for you have not sufficed. As soon as the Duke of *Savoy's* Minister had represented to you, that his Majesty's Aim in possessing himself of *Savoy* was to surround you on all Sides, you appear'd alarm'd at it; and, without considering that of all your Allies the King is the only one whose Power you have least Reason to fear, you desired his Majesty would yield to a Neutrality for *Savoy*: A Proposal directly contrary to his Interest. However, his Majesty, who is always ready to hearken to any thing that may encrease your Tranquility, was pleased to offer to commit the *Chablais* and the *Faussigni* to your Keeping, that the War might be removed from your Frontiers. You rejected that Offer, on Pretence that there is no Place in those Two Provinces in a Condition of Defence. His Majesty removed that Objection, by assuring you, that if he should take *Mentmeillan*, which is the only Place of Strength in all *Savoy*, he would put it into your Hands to keep it for him. All these Condescensions on the Part of so great a King do not satisfy some of the Laudable Cantons, because the Duke of *Savoy* does not approve them; and they continue to demand a Neutrality for all *Savoy*. The same Laudable Cantons, assembled at *Baden*, drew up a Project of Neutrality, all the Articles of which are taken out of the *Sieur de Mellarède's* Memorials; believing that his Majesty ought to accept, and deliver up his Conquests before a Peace, into the Hands of his Enemies, with

the Passages he has an absolute Occasion for to succour the Dominions of the King of *Spain*.

The Emperor having no Consideration for you, has violated your Territories, and violates them daily, when his Service requires it, and you demand no Satisfaction of him. You have heard quietly and without Resentment, all the Menaces of the Count of *Trautmansdorf*, so far as to bear with his renouncing, on the Part of the Emperor, the Hereditary Treaty between you. Does his Majesty treat you in such a Manner, and have you not cause to commend the exact Discipline the Troops he has in your Neighbourhood are made to observe? They have never committed the least Disorder, for which you have not received all the Satisfaction you could desire? Could his Majesty demonstrate greater Consideration for the Laudable *Helvetic* Body, than in lessening the Contributions in the Enemies Territories at the Instant of some of the Laudable Cantons?

I repeat to you, Magnificent Lords, that the King observes with dissatisfaction, that all his Complaisance for you, (I give it that Name, because the greatest part of what he has granted you, is what he was not obliged to do by his Alliance,) have not produc'd on your part that reciprocal Correspondence which his Majesty might have justly expected: On the Contrary, he sees by the Project of Neutrality which some of the Laudable Cantons have caused to be presented to him, that they continue to make no Demand but what is for the Advantage of the Enemies of the Two Crowns of *France* and *Spain*.

I received some Days ago, the King's Answer to the Project of Neutrality for *Savoy* which was proposed to him by some of the Laudable Cantons: But as for you I have nothing more at Heart, than during my Ministry among you to seek all Means that may keep up the Good Understanding and Confederal Friendship that has been so many Ages between *France* and the Laudable *Helvetic* Body, I made most pressing Instances to his Majesty to obtain of him an Answer different from the first I receiv'd; an Answer in short that might put an end to the Uneasiness some of the Laudable Cantons express to see *Savoy* in the Hands of his Majesty. I have receiv'd

Nay.

‘ a Second Answer, Magnificent Lords, and I have  
 ‘ good reason to expect it will be well accepted ; at  
 ‘ least by those who act on this Occasion without any  
 ‘ Partiality, and who pursue such a Conduct as be-  
 ‘ comes good and faithful Allies of a great King, who  
 ‘ seeks only to maintain that happy Tranquility they  
 ‘ enjoy with so much Glory. This Answer im-  
 ‘ powers me To assure you on the Part of his Majesty, that  
 ‘ he will not unite Savoy to his Crown, when a Peace shall  
 ‘ be concluded. This Assurance ought to dispell your  
 ‘ Fears, and this Assurance I am ready to give in  
 ‘ Writing, whenever you shall demand it.

‘ Examine now, Maganificent Lords, how far the  
 ‘ Conduct of the King my Master towards the *Helve-  
 tick* Body differs from that of his Enemies, and con-  
 ‘ sider at the same Time whether you have the same  
 ‘ Regard to the Interest of his Majesty as you shew  
 ‘ for the Potentates that are at War with him : Judge  
 ‘ without Partiality whether the King ought not to  
 ‘ make the best use of the Advantages which God has  
 ‘ given him over his Enemies, by the Valour of his  
 ‘ Troops, and the Justice of his Cause.

‘ I Invite you, Magnificent Lords, to endeavour to  
 ‘ maintain the Continuation of a Confederal good  
 ‘ Understanding between his Majesty and your Lau-  
 ‘ dable Body ; to which good Intelligence I shall al-  
 ‘ ways contribute with my best Offices, &c.

Baden, May 23. 1704.

*Puisieux.*

This short and dry Answer somewhat surprized the  
 Laudable Cantons, particularly the Protestants ; and  
 upon a Motion made by them, the Roman Catho-  
 licks agreed with them to send a Solemn Deputation  
 to the Marquess de *Puisieux*, to signify to him, that  
 the Laudable *Helvetic* Body could not be satisfied  
 with so flat an Answer, seeing the Point in Question  
 concerned the Security of their Territories and even  
 of their Dominions, and that they hoped it was not  
 his Majesty's final Resolution. This Deputation was  
 made the 25th, but the Marquess was *franch*, and  
 told them plainly, it was the only Answer he had to  
 give. The next Day Monsieur de la *Mallarde* pre-  
 sented the following Memorial to the Dyet.

*Maj*



*Most Illustrious and most Puissant Lords !*

WHAT I all along foresaw, and took the Freedom to represent to you, is now fully manifest. France, after having employed all manner of Shifts and Artifices to gain time and hinder your taking proper Measures with his Royal Highness for preserving *Savoy*, weary of restraining their haughtry and proud Spirit, have fairly thrown off the Mask, and owned their Design. They would have you quietly suffer your selves to be shut up ; they would have you leave it in their Power to ruin you whenever they shall think fit ; they would have you permit them to render you unable to help your selves ; upon giving you their Promise, that after they have reduced you to so wretched a Condition, they will deliver you out of it. They would engage you to abandon the Countries whose Conservation is of the greatest Importance to you ; to the end they may convince *Europe* from henceforward, that in *Switzerland* they know how to divert and prevent the Effects of the strongest and most indispensible Reasons of State ; and, consequently, to the End no Potentate may think any more of entring with you into sure Measures for the Publick Safety ; that so they may have a clear Stage to play all their Artifices among you. They have given you a fresh Demonstration, that all the important Services you have rendered them, have not made the least Shadow of an Impression upon them, and that they make no Account at all of those you now do them nor of the Number of Troops you have in their Service, which so much exceeds the Number you are engaged by your Alliances to furnish, and which you wink at, notwithstanding so many Complaints that they are employed on Occasions that are not allowed of by those Alliances. They add Insolence to the little Regard they have for your Sollicitations. Their Minister takes the freedom to ridicule them openly : He disdainfully refuses you the most natural and the justest thing a Republick can ever demand, and dares to affirm you are highly obliged to him for so doing, and that you are extreemly in the Wrong to be satisfied with nothing that he grants : He harshly upbraids you

*May.*

Envoy of  
*Savoy's*  
Memorial  
26.

May.

with pretended kindnesſes, which were the Fruits of your own Steadineſs, and which he has endeavour'd to render uſeleſs by all imaginable Artifices. His Memorial of the 3d of this Month (in ſpite of all the Pains he takes to give a dazzling Colour to all he advances) is a faithful Glaſs, in which you may ſee at firſt Sight, that *France* has reſolved your Ruine; and that they are laying up, in the Reproaches made you in that Memorial, Matter for Pretexrs. I have no mind to purſue that Miniſter's vaſt Sallies of Imagination; Who can endure ſo long a Chace? Beſides, all he advances overthrows it ſelf ſo viſibly, that a Nation ſo clear-ſighted as you, will eaſily perceive his Illuſions without being tired with my Representations.

But I take the Liberty to repeat to you, moſt Illuſtrious and moſt Puiffant Lords, that I all along foreſaw what is now come to paſs: Not that I could diſcern the Way *France* would take to fruſtrate all your Endeavours for the publick Tranquility; God keep me from over-much Knowledge in a Caſe that involves *Chriſtendom* in ſo many Calamities; but I always judged by reflecting on the Management of all thoſe who have had any thing to do with *France*, that as long as you ſhould employ Sollicitations only, and not take bold and vigorous Reſolutions to keep your ſelves out of the Condition they ſeek to bring you into, all your Representations, all your Requeſts, and the great Pains you have had the Goodneſs to take, would all prove not only uſeleſs, but make you loſe precious Time, and more favourable Opportunities, than can eaſily concur again.

Notwithſtanding which, his Royal Highneſs, thoroughly affected with your Sollicitude for the Conſervation of your Neighbourhood, and being always diſpoſed to ſhew his ſincere Acknowledgment and Compliance with all your Proceedings, has hitherto gone on chearfully in the Way you thought fit to chuſe; nay, he has always preſs'd forward and prevented your Deſires, to make the Way eaſie to you; and his Royal Highneſs has in a manner left you abſolute Maſters of his Conduct in this Affair.

But,

‘But, most Illustrious and most Puissant Lords, as you cannot but grant you are concern’d in Honour not to employ any longer the fruitless Means of Negotiation with *France*; and that all you do that Way is but giving them an Occasion to shew more and more the little Regard they have for you; so his Royal Highness on his part is too much concern’d in Interest to know what he may depend upon, to suffer himself to lay any longer Stress on so vain a Negotiation, as that must be which is set on Foot to prevail with *France* to quit the Designs their Avidity inspires into them; and my Powers on that Head are expired, upon their Minister’s rejecting the Terms of Neutrality you propos’d to them. But they extend to treat with you, in order to take proper Measures for his Highness’s Safety and yours, and to procure for you all the reasonable Advantages you can desire of him, which may for ever secure your Tranquility on the Side of *Savoy*, and preserve a free Communication between you and a Prince your Neighbour, whose Interest is properly interwoven with yours.

‘This is the only Course you can take, and, I dare affirm, your own Safety indispensibly requires, and that your Reputation obliges you to do it. All *Europe*, whose Eyes are bent upon this Negotiation, which has made so much Noise, expects it. His Royal Highness in particular is so well perswaded of your Friendship for him, of your Wisdom and Greatness of Courage, and is so well satisfied you may take such Resolutions as he desires of you (which are no wise repugnant to your Alliances with *France*) without running your selves into any Inconvenience, that he makes no Doubt you will take them. He has ordered me to assure you of his Confidence, of his Friendship and the Esteem he has for yours and at the same time to desire you to give me a speedy and positive Answer on this Subject, which will admit of no longer Delay.

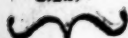
‘I beseech the Almighty to shower upon you, most Illustrious and most Puissant Lords, Prosperity and Blessings of all sorts.

Baden, May 26. 1704.

P. Mellarede:

The

May.



The Cantons having taken this Memorial into Consideration, judged it proper once more for the last time to found the Ambassador of France, whether possibly he might not have some other Answer from the King his Master to deliver, if he should be hard press'd to it; and they chose Three Deputies, one of Zurich, another of Lucern, and the Third of Solusbern, to go to him as private Persons, and of their own Heads, to discourse him on this Affair! But these Three Gentlemen had the same Answer from him as the Deputation before mention'd; whereupon the Cantons resolved to communicate it to the Envoy Extraordinary of Savoy, by a solemn Deputation, which was sent to him on the 28th. De la Mollaredé had a long Conversation with the Gentlemen deputed to him, and in particular told them, ' That he was sorry he was so good a Prophet of the ill Success of the Negotiation for the Neutrality of Savoy; that however he was obliged to thank the Laudable Cantons on the part of his Master, for the Proofs of Good Will they had given him in it, tho' in vain; and that at the same time he found it proper to tell them, that since the Way of Negotiation had miss'd of the Effect that was reasonably expected from it, he hoped the Laudable Cantons would make no Difficulty to assert their Right, and make use of their Forces to preserve a Barrier stipulated almost 200 Years ago, by the Hereditary Treaty concluded in 1516. between France and the Laudable Helvetic Body, and confirmed by all the Treaties made since that Time. And this he desired them to think of, and to discourse the other Members of the Dyet upon it.

The next Day, in Pursuance of what he said to the Deputies, he presented the following Memorial to the Dyet.

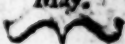
*Most Illustrious and most Puissant Lords,*

Another  
by the  
same En-  
voy.

29.

**N**otwithstanding so much Trouble, so great Pains, and so many Representations as you have employ'd to procure, by way of Negotiation with France, Tranquility for Savoy, and to preserve a Neighbourhood that ought to be so dear to you notwithstanding, I say, the Ambition of France their



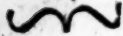


'their haughty Temper, and their Ingratitude to-  
 'wards you, have rendred those Endeavours fruitless,  
 'his Royal Highness my Master has a Heart as full  
 'of Gratitude, as if the Success had answer'd your  
 'obliging Pains; and you your selves have gain'd by  
 'this Conduct of *France* a real Advantage, namely,  
 'of knowing with absolute Certainty, that you are to  
 'expect nothing that is agreeable from them, but on  
 'the contrary, whatever is harsh and irksome. You  
 'see clearly, that it would be to expose your selves to  
 'fresh Contempt, to go about for the future to deal  
 'with them by the useless Way of Negotiation : And  
 'as I had the Honour to tell you in my former Me-  
 'morial, His Royal Highness, who has had too sor-  
 'rowful Experience of the Conduct of the King of  
 '*France*, and that the Motives of Gratitude, which  
 'would work upon any other Potentate, make no  
 'Impression on him, cannot for the future enter into  
 'any Treaty relating to *Savoy*, if that Monarch be  
 'made a Party in that Treaty; he has but too long  
 'already taken wrong Measures, during the Six  
 'Months this Negotiation has lasted : You will easily  
 'judge he cannot easily brook exposing himself any  
 'longer : And my Orders are peremptory to that  
 'Subject.

'Mean time, most Illustrious and most Puissant  
 'Lords, as I have reason to be convinced, that the un-  
 'worthy Proceeding of *France* with you, will pro-  
 'voke you to take Resolutions suitable to your Glo-  
 'ry, and that the indispensible Care of your own Pre-  
 'servation will thoroughly engage you not to permit  
 'them to execute their pernicious Designs, by shut-  
 'ting you up on all Sides, and retaining the Means of  
 'penetrating into your Dominions so many several  
 'Ways, I will take the Liberty to propose to you the  
 'only Means that seems feasible, to make sure of the  
 'Neighbourhood of his Royal Highness, which you  
 'cannot be without ; and yet to keep it without doing  
 'any thing inconsistent with the perpetual Peace and  
 'Alliances between you and *France*.

'I give repeated Thanks to the Laudable Catho-  
 'lick Cantons, for having most of them already grant-  
 'ed Levies to his Royal Highness, conformably to  
 'their Alliance with him. I doubt not but the Rest  
 'will

May.



will quickly follow their Example, and that all of them together will give their Officers leave to raise Men in their Territories, and to extend that Permission as far as the Alliance requires.

But, it being necessary to employ a considerable Number of Forces to restore his Royal Highness to the Possession of his Patrimony; and as necessary that those Forces should be furnished speedily, while he is Master of the Passages that let him into *Savoy*; I assure my self the said Catholick Cantons will with Pleasure see me make Application to the Laudable Protestant Cantons to engage them to concur, out of Prudence and for Reasons of State, in a Thing that is suitable to their Glory, and which their own Safety indispensibly requires of them; to the End this Affair may be pushed with due Vigour.

I address my self then to them, and desire them on the Part of his Royal Highness immediately to take the indispensable Resolution not to let *Savoy* be lost, and in Consequence to assist his Royal Highness with a Body of Troops, which joyned with the Troops which the Laudable Catholick Cantons have already in his Royal Highness's Service, and those that are raising for him, and also with other Troops which his Royal Highness will spare for such an Expedition, will be able to drive the *French* out of *Savoy*, and to keep that Province for its lawful Master.

'Tis a Body of 3 or 4000 Men which I ask at present of the Laudable Protestant Cantons; And till the necessary Dispositions are ready for this Expedition into *Savoy*, those Troops may be posted in the Passages that lead into it, and in the neighbouring Garrisons, without ever being employed against the Countries possessed by *France* in the Year 1663. nor against the Alliances you have with that Crown. His Royal Highness will give those Troops the same Pay that is given to those that are now raising in the Dominions of the Laudable Catholick Cantons; and he is ready to enter with them into the strictest Measures, to assure them fully, that *Savoy* shall never be put into the Hands of *France*, but that it shall always remain in the Hands of a Prince, their Neighbour, who in Acknowledgment and out  
of

of Esteem for them, and by all the Maxims of his own Preservation, is so strongly obliged to unite without reserve his Interests to those of the Laudable *Helvetick* Body.

'Tis needless for me to represent to the Laudable Cantons, the indispensable and powerful Reasons they have to take the Resolutions I desire of them, and to grant as soon as possible this Levy. Their great Wisdom will sufficiently discover those Reasons and I will not tire them with Repetitions on a Thing so clear of it self: But the Danger being present, and his Royal Highness being under a Necessity of taking Measures, I intreat them to give me their Resolutions without delay, and if their Deputies have not Instructions, to send them to them, that they may be communicated to me before I leave *Baden*, and that his Royal Highness may take the properest Measures. This is what I have to demand of them, assuring them of his Royal Highness's most sincere Acknowledgment.

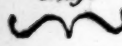
I beseech the Almighty to have you all in his good keeping, most illustrious and most Puissant Lords, and to confer on you his choicest Blessings.

*Baden, May 29. 1704.*

*Puisieux.*

The 31<sup>st</sup> the Dyet broke up, and most of the Deputies, especially of the Catholick Cantons, return'd Home to report to their Principals the Answer given by the Ambassador of *France* to their Project of Neutrality, and the Proposal made by the Minister of *Savoy*. But the Canton of *Bern* laying this Affair to Heart almost as much as the Duke of *Savoy*, and particularly because their Country of *Vaux* borders on *Savoy*, and consequently lies exposed to the Invasions of the *French*, ordered their Deputies to do their utmost to engage the other Protestant Cantons, and especially those of *Zurich* and *Schaffhausen* to grant the Levies demanded by his Royal Highness, and not to leave *Baden* till they had a positive Answer: Hereupon the said Deputies of *Bern* made such pressing Instances, that those of *Zurich* and *Schaffhausen* judged it necessary to go Home to take full Instructions on this Business.

May.

 In the mean time, *Puissieux* being watchful over his Master's Affairs, sent the following Letter to the Regents of the Canton of *Zurich*.

*Puissieux's*  
Letter to  
the Re-  
gents of  
*Zurich*.

31.

*Magnificent Lords,*

‘ YOU will see by the Report your Deputies will make to you of what pass’d at the Dyet there, the Offers I made to the Laudable Assembly on the Part of the King my Master. The Substance of those Offers is, that beside what I propos’d to the Dyet that was held at *Soluthern*, his Majesty will promise the Laudable *Helvetick* Body, not to unite *Savoy* to his Crown when a Peace is concluded.

‘ You may observe from this, Magnificent Lords, that his Majesty grants all that he believes can calm your Uneasiness, and that he refuses nothing but what would be of Advantage and Service to the Duke of *Savoy*, who has given him such just Cause of Displeasure. All this Complaisance of the King to the Laudable Cantons make me hope, that you will reject *M. de la Mellaredé’s* Demand of a new Levy for his Master. You know that you refused what I demanded of you on the Part of the King, when the Regiment of *Pfiffer* was set on Foot, though you were obliged to grant it, by Virtue of the Alliance between his Majesty and the Laudable *Helvetick* Body. You know that you have none with the Duke of *Savoy*, so that you must own you cannot grant him Troops, without giving evident Marks of Partiality in his Favour; and so much the more that the Offers I have lately made are more than enough to shew all the Laudable Cantons, that his Majesty does not in the least design to surround them, as *M. de Mellaredé* would perswade you in his Speeches and Memorials. You are too prudent and knowing, Magnificent Lords, not to see the Consequences of such a Step as *M. de Mellaredé* endeavours to perswade you to, and I am assured that you will give his Majesty no Occasion to go back from his repeated Promises to you for the Neutrality of the Forest-Towns, of the *Frickdal*, of the Places situate on the Banks of the *Rhine* and Lake of *Constance*, and of a District of a League in Breadth



long your Frontiers; but, on the contrary, I flatter my self that your wise Resolutions will induce the Elector of *Bavaria* to continue the Passage of your Salt, and the Trade you have in *Germany*, and that you will put me in a Condition, as I have always hitherto done, to lay hold on all Occasions to contribute to the utmost of my Power to such Things as may be agreeable to your Laudable Canton in general, and to the particular Persons that compose it. I pray God, &c.

*Baden, May the 31st.*

*Magnificent Lords,*

*Your Affectionate Servant,*

### PUISIEUX.

Having done now with *Switzerland*, we'll take a View of the State of Affairs in *Hungary*. The Isle of *Schut* was cleared of the Malecontents about the End of *April*. On the 4th Instant, Major-General *Ritschau*, with a Body of Regular Troops, which he had drawn together in *Moravia*, pass'd the *Mark*, and falling upon a Body of Malecontents, that had for some time block'd up *Trentschin*, routed them, and relieved that Place. The 5th he marched back to the *Mark*, and sitting down before *Scalicz*, that had been some time in the Hands of the Malecontents; it was surrendred to him on the 8th. In the mean time, General *Heister* pass'd the *Danube* on the 6th, to march into Upper *Hungary*; and advancing to *Sereth*, a Pass on the *Waag*, the Generals *Berezeni* and *Caroli*, who lay thereabouts with a Body of Malecontents, retired over the River with great Precipitation, in doing which they lost some Men of their Rear. Upon this Advantage General *Heister* sent Orders the 10th to Major-General *Ritschau* to march to the *Waag* to join him, intending to prosecute the War on that Side with Vigour; but a few Days after, on Advice that Count *Forgatsch*, who had some time before deserted the Imperial Service, had pass'd the *Danube* below *Buda*, in the Lower *Hungary*, he was obliged to return towards that River, (without staying for Major-General *Ritschau*) and pass'd over it at *Comorra* the 17th. Mean time, Count *Forgatsch* advanced to-  
wards

May

wards *Papa*, and having secret Intelligence with Count *Antony Esterhafi*, Nephew to the Palatine of *Hungary*, who was sent from *Vienna* by the Council of War to command on the Right of the *Danube*, he met him near *Vesprin*, and pretendedly took him Prisoner, and some Persons of Note that were in his Company. That brought the War again into the Lower *Hungary*: But Major-General *Ritschau*, pursuant to the Field-Marshal's Orders, marching from the *Mark* towards the *Waag* with 2000 Men, in his Way was surprized and surrounded by a Body of 12000 of the Malecontents, who, after a smart Fight, killed about 1000 of his Men, and put the rest to Flight. He himself received Three Wounds, and escaped to the Castle of *Fablunka*; but his Lady and several of his Officers were taken, with all the Baggage, and Two Pieces of Cannon. However, Field-Marshal *Heister* advanced from *Comorra* towards *Alba Regalis*, and the 23d marched to *Oerze*, where he fell upon Count *Antony Esterhafi*, who had 3000 Malecontents with him, and routed him, killing 2 or 300 of his Men, and taking Twelve Waggon's loaded with Baggage.

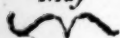
Things standing thus in the Camp, let us a little view the Court, where we find the Two Deputies of the Malecontents, before mentioned, were in the Beginning of this Month sent back from *Vienna* to confer with the Chief of the Malecontents on some Proposals offered by the Emperor; they return'd to *Vienna* the 28th, and had Audience of him the 30th, and gave him a Relation in Writing of their Negotiation; and they told us also, that they were preparing an Account of the Grievances which the Malecontents complained of, who appeared willing to lay down their Arms, if they could have them redress'd. However this were, the Count *de Lamberg* set out the 27th for *Hungary*, with some Proposals to them for a Cessation of Arms; and on the 29th, *Ibrahim Effendi*, Envoy from the Grand Seignior, arrived at *Vienna* from *Constantinople*, Monsieur *Bramern*, Chancellor at War to the Emperor, being appointed to attend him during his Stay, met him Two Leagues out of Town with a Coach and Six Horses, and conducted him to his Lodgings in the Suburbs, attended by a Troop of Horse.

All

All this while the Emperor laboured much under the Want of Money : Several Projects were set on Foot ; but being at last advised by some of his Ministers to make use of the Plate belonging to the Churches in his Hereditary Dominions in the present Exigency of his Affairs, on Promise to return the Value with Interest when the War was over, he thought fit some time this Month to summon an Assembly of Divines to consult whether he might do it lawfully ; and upon their resolving the Question in the Affirmative, issued out Orders to the Clergy of the Hereditary Countries to send in the Church Plate accordingly : But tho' the Pope's Nuncio forbid them in his Holiness's Name, to obey the Emperor's Order, on pain of Excommunication, they seemed to have as little Regard for his Holiness's Prohibition on this Occasion at *Vienna*, as he had to the *Austrian* Interest in *Italy*.

*Poland* shall be our next Stage, where, without recapitulating any thing that was said before, we find about the Beginning of this Month the Cardinal-Primate and the Marshal of the Congress of the Confederates at *Warsaw* published the *Interregnum* ; and a Day or two after the Party of the Confederates was weakened by the Palatinate of *Lencizia*, the Bishop of *Chelm*, the Palatinate of *Kalish*, and the Castellan of *Caminieck*'s going off to the King of *Poland*, declaring, that they enter'd into the Confederacy with no other Views than the Hopes of seeing proper Measures taken to re establish the Peace and Welfare of the Republick, as the Summons to the Congress imported ; but perceiving by the violent Resolutions that had been taken, that the Congress was govern'd by Passion in all they did, and had Designs directly opposite to the publick Good, they would have no more to do with them, nor be any longer the Instruments of ruining their Country. In particular they extreamly disapproved the hot and injurious Expressions made use of by the Cardinal-Primate in the Letter he wrote to the Pope ; the more because the Pope himself had in his Letter to the Senators recommended to them Union and a good Intelligence with King *Augustus II.* as the only Means to restore the publick Tranquility, and maintain the

May



Liberty of Poland. On this Occasion of publishing the *Interregnum*, Spada, the Pope's Nuncio, perceiving that all his Endeavours to inspire peaceful Sentiments into the Cardinal-Primate and his Party were ineffectual, could not forbear expressing himself to his Eminency in the following Terms. *Since I perceive the Gentlemen of the Confederacy persist in their Obstinacy, and blindly seek their own Ruine, without attending to the wholesome Counsels that have been given them, I am resolved to depart hence, that I may not see the monstrous Fact they intend to commit.* And soon after the Nuncio left *Warsaw*, and went to the King of Poland. On the 27th, the Confederates held a publick Conference with General *Horn*, the King of Sweden's Commissioner, to settle the Preliminaries of a Treaty of Peace. The Palatine of *Posnania* and the Marshal of the Confederacy went to that General's Palace, brought him from thence in the Cardinal's Coach, and led him into the Hall where the Congress was held; at his coming in, all the Members of the Assembly rose up in their Places, and a Chair was set for him on the Right Hand of the Cardinal-Primate, who sat at a great Table, yet Room for Two Chairs was left vacant between his Eminency and the said General. Then the Senators that were present, having placed themselves on the Cardinal's Left Hand, General *Horn* read a Writing, containing the Intentions of the King his Master in relation to a Peace; when he had done reading it, the Cardinal-Primate made him an Answer in very obliging Terms; and then the General having desired Commissioners might be named to treat with him, was conducted back in the same manner he came. Soon after the General was gone out of the Assembly, the Bishop and the Palatine of *Posnania* and the Palatine of *Siradia* were nominated to treat with him in Quality of Commissioners of the Republick; and on the 14th had a Conference in the Cardinal-Primate's Palace with General *Horn* and Monsieur *Wachslager*, the King of Sweden's Commissioners, touching the Peace; at what Time *Horn* produced a Letter from the King his Master, importing, That his Majesty had sent Orders to his Troops that were in the Palatinates which were confederated against the King of



*Poland*, to levy no more Contributions. The 17th another Conference was held, when *Horn* deliver'd a *Diploma* from the King his Master, in which he declared in an authentick Manner, that he did not pretend to any Dismembring of the Dominions of the Republick. After this we found no manner of Account of any farther Conferences on this Affair, except that in the Letters from *Warsaw* of the 30th, wherein 'twas said in general Terms, that the above-mention'd Commissioners had finish'd the Treaty, and that it lay to be ratified by the new King that should be elected.

On the other Hand, the King of *Poland* on the 20th open'd a great Council at *Scndomir*; but hearing nothing to Purpose concerning their Proceedings till the End of this, or Beginning of the next Month, we shall not here make any Entrance upon them; and having but just mention'd the Necessity the *Dantzickers* lay now under to comply with the Proposals of the King of *Sweden*, (already mention'd) which he impos'd upon them, we'll now take a Tour to the Armies towards the Upper *Rhine*. I know not whether the Allies in *Germany* really intended (as they gave out) to use their utmost to prevent the Junction of the *French* and *Bavarians*, or that they did all they could to make the Enemy believe so, that the Duke of *Marlborough's* March into *Germany* might be the less watched by the *French*: However it were, we shall here briefly insert the Particulars of that Junction, first as the *French* have related it, and then hear what the *Germans* have to say on that Head.

The *Mareschal de Tallard* sent 45 Boats for making The Junction of Bridges into the Lower *Alsatia*. *De Laubanie*, Governor of *Landau*, posted himself at *Germerheim* with a Body of 7 or 8000 Men, and a great Train of Artillery. The Troops led by the Count *de Coignies* made a Shew of marching that Way, and the Army commanded by *Tallard* was ordered to move down the *Rhine* likewise. These Preparations obliged the Allies to draw off part of the Troops they had on the other Side the *Black-Forest* to reinforce the Guard of the Lines of *Stolhoffen*, and of the Side of the *Rhine*. At the same time the Troops and Recruits that were to pass into *Germany* drew together at *Neubourg*, and the

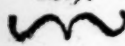
May.

the Marquess of *Courtebonne* kept with a flying Camp on the other Side of the *Rhine*, over-against *Hunninghen*, to give the Enemy Umbrage on the Side of the Forest-Towns and the Lake of *Constance*. In the mean time, the Elector of *Bavaria* broke up from *Ulm* the 4th, with an Army of 30000 Men, and march'd with so great Diligence, that the 13th he arrived within Eight Leagues of the Head of the *Danube*, the Allies in Surprize retiring and abandoning their Lines as he advanced. The same Day the Troops commanded by *Courtebonne*, and the Recruits, moved down the *Rhine*, and the Forces led by the Mareschal *de Tallard* and the Count *de Coignies* drew to the Bridges of *Brissack* and *Rheinau*, where they passed the *Rhine*. The first arrived the 14th at *St. George*, near *Fribourg*, and the other at *Lanzendentzling*, at the Entrance of the Valley of *Waldkirch*, where there is a Way up into the *Black-Forest*. The same Day the Mareschal *de Tallard* caused a Road to be made to the Right, which led into the Valley of *St. Peter*. The 15th he order'd a Detachment of *Granadiers*, Ten Men of each Troop of Horse or Dragoons, and 110 Men of each Battalion, to march under the Command of the *Sieur de Zurlauben*, and encamp at *Kilchzatten*. The 16th the Right Wing of the Horse and Two Brigades of Foot marched into the *Sieur Zurlauben's* Camp, and he himself advanced with his Detachment towards the Hill of *Tornier*, situate in the Middle of the Way the Army was to pass, and upon it was a Fort, which the Allies had abandon'd, as well as several other Intrenchments and Redoubts; Two of their Regiments abandon'd likewise the Abby of *St. Peter*, with so great Precipitation, that they left Arms, Ammunition, Tents and Cloaks behind them. The Mareschal *de Tallard*, who marched after the *Sieur de Zurlauben*, and joined him, caused Guards to be put into those Posts for the Security of 500 Waggon, that were to follow the Recruits. *Courtebonne*, to favour the Passage of those Waggon, went and encamped at *Cappel*, at the Neck of the Valley of *Fribourg*, and the 17th moved to *Falckensteigh*, whither the Waggon came, having pass'd by *Fribourg* in the Night-time unmolested. These Waggon were loaded with Arms, Ammunition,

tion, Cloaths, Provisions and Money for the Army, and for the Elector of *Bavaria*. The 6th his Electoral Highness came to *Doneschingen*, where the Marechal *de Tallard* made him a Visit. The Marechal carried with him till the 18th, the next Day rejoined his Army at *Torner*, and the 20th return'd with them to the Camp of *St. George* near *Fribourg*. The Recruits and Succours that join'd the Elector of *Bavaria* consisted of 12000 Foot, 3000 Horse, and 1000 Officers.

The Particulars given us by the *Imperialists* of this Junction runs thus: That the Duke of *Wirtemberg* was encamped with a Body of Troops at *Rietlingen*; the Count *de Stirum* with another at *Seissen*; and General *Thungen* with a Third, and (the largest of the Three) at *Schomberg*. That upon the Elector of *Bavaria* and the Marshal *Marfin's* drawing towards *Ulm*. the Duke of *Wirtemberg*, and the Count of *Stirum* put themselves in Motion to join General *Thungen*; but the Elector and the Marshal marched up on both Sides the *Danube* with so great Expedition, that they arrived near General *Thungen's* Camp before the Two *Imperial* Generals now mention'd: That *Thungen* finding himself too weak to defend the Lines, drew off in time the 13th, and retired to *Rotweiler*, where he was joined the 14th by the Duke of *Wirtemberg*, and the next Day by the Count *de Stirum*. Mean time the Elector of *Bavaria* marched up to *Doneschingen*, where he was join'd by the Marechal *de Tallard*. As for what pass'd in the *Black-Forest*, they told us, that 11000 Men of the Militia were obliged to guard the Passages, but not above a Fourth part of them appeared where they were ordered, and those that did, fled at first Sight of the Enemy, so that the *Dutch* Regiments of *Wilckens* and *Bodmar* seeing themselves left alone, were obliged to retreat; the latter to the Forest-Towns: That Prince *Lewis* of *Baden* came from *Abschaffenburg* to the Lines of *Stolhoffen* the 16th, where being inform'd, that the Marechal *de Tallard* was in Motion, and the Way he had taken, he posted away for *Rotweiler*, ordering Gen. *Bibra*, with 11 Squadrons and 10 Battalions, to follow him from *Stolhoffen*. Mean time, the Army at *Rotweiler* being become very strong by the Junction of the Duke of *Wir-*

M<sup>17</sup>.

 *Wirtemberg* and Count *Stirum* with General *Thungen*; a Resolution was taken the 17th to advance and offer Battle to the Enemy, who then lay about *Villingen*, and the necessary dispositions were made accordingly, when a Courier from the Prince of *Baden* brought them word he was coming to them, and a positive Order not to stir till he arrived. That on the 20th at Night his Highness came to them, and next Morning broke up with the Army, and marched towards the Enemy, who on his approach retired to *Doneschingen*, and the Prince of *Baden* struck off to *Durlingen*; that on the 21st the *Bavarians* passed the *Danube* and marched towards *Stockach* that the Prince of *Baden* passed the *Danube* the same Day, and moved close after the Enemy, who at several Marches drew to *Stockach* the 24th; where Prince *Lewis* of *Baden*, being joyn'd that Day by General *Bibra*, hoped to engage them, but tho' the Two Armies exchange'd some Cannon-shot the 25th, the Prince did not find it practicable, and the next Night the Enemy marched off towards *Pfullendorf*, and thence to *Ulm*, where they passed the *Danube* and Encamped near *Gingen*; that the Prince of *Baden* followed them and passed the *Danube* likewise and Encamped between *Ulm* and *Blauburen*.

Begin-  
ning of  
the D. of  
*Marl-*  
*borough's*  
March.

In the mean time, the Duke of *Marlborough*, leaving the Army near *Maestricht*, on the 18th arrived at *Bedburg*, where the *English* Troops and others appointed to march into *Germany*, instead of the *Moselle* (as was given out) rendezvous'd, he proceeded from thence to *Kalschehen*, where he arrived the 21st, and there took the Resolution of advancing with the Horse, for the greater Expedition, leaving the Foot, with the Cannon and Baggage, to march, under the Command of his Brother General *Churchill*, and on the 3d of *June* passed the *Neckar* near *Ladenburg*. *Villeroy* finding himself outwitted on his part, marched with all the Expedition he could towards the Upper *Rhine* also; and at the same time a Detachment from the Confederate Army in *Flanders*, under the Duke of *Wirtemberg*, consisting of 7 Battalions and 21 Squadrons, followed the Duke of *Marlborough*, whom we shall leave at present in *Germany*; and having nothing of Moment to detain us any longer in these Parts; for



May.

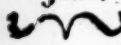
for there was nothing done either by the Confederate Army in the *Netherlands*, commanded by Velt-Mareschal *d'Auverquerque*, or that of the *French* and *Spaniards*, under the Marquess of *Bedmar*, in this or the next Month, and the Domestick Affairs of *Britain* being in a perfect Tranquility, we'll see how Matters now go in *France*.

We have before given an Account of the Submission of *Cavalier*, one of the Heads of the *Camisars*, with some of his Followers. What has happened since in those Parts are so uncertainly and contradictorily related, that we know not what to make of them : But if this Letter from *Nismes* will give the Reader any Satisfaction, it shall be here inserted.

June.

WE were in hopes here that the Disorders in this Province were at an end, when we were assured *Cavalier* and some of his Men had accepted the Amnesty : But *Ravanel* and *Catinat* have put themselves at the Head of the Party he commanded, and will hearken to no Proposals of Accommodation, but on such Terms as 'tis impossible should ever be granted them. *Roland* and the rest are as willful, resolving to suffer any thing rather than follow the Example of *Cavalier*. The latter has a Commission for a Regiment and is raising Men. He is not obliged to change his Religion ; and he Sings Psalms aloud in his Lodgings every Day. *Catinat* is within Two Leagues of this Place with a Party of Horse. *Roland* and the rest hover about *la Sale*, *Anduse*, *Alain*, and *Genouillac*. Some Days ago the Regiment of *Conde* was beaten by a Party of *Camisars* commanded by *Jovannin*. Two Battalions of Marines that were here are gone to *Thoulon*. Yesterday Morning the Marshal *de Villars* summoned before him the several Companies of Tradesmen and Artificers, and after he had represented to them the necessity of putting an End to the Troubles of this Province, he admonished them to do each what they could to get the Relations they have among the *Camisars* to relinquish them and return home to their Houses. Then he went to *Caveirac*, and ordering a certain Number of the Peasants of the *Vanaage* to come

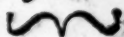
A Letter  
about the  
*Camisars*.  
20.

June.  ' come before him, he said the same Thing to them.  
 ' At the same time threatening them heavily. We  
 ' have Reason to believe he will proceed to terrible  
 ' Extremities, unless the *Camisars* lay hold of the Am-  
 ' nesty that is going to be published. 'Tis talked the  
 ' Marshal *de Villars* will seize all the Relations of those  
 ' *Camisars* that will not come in. He has already be-  
 ' gun so to do.

But whether the *French* Court in Reality had Cause to rejoice at the Success of its Affairs in the *Cr-vennes*, the King having now a Great Grandson born, must cause an universal Joy in *France*; for on the 25th the Dutches of *Burgundy* was brought to Bed of a Prince, whom the King named Duke of *Bretagne*. The 26th his Majesty caused *Te Deum* to be sung in the Chappel of *Versailles*; the like was done the 27th in our Cathedral, and at Night there were Illuminations and publick Rejoicings which were continued Three Days. The Letter written on this Occasion by the King to the Cardinal *de Noailles* is as follows.

Cousin,  
 Fr. King's Letter to the Archbishop of Paris about the Birth of the D. of Breagne. ' THE new and singular Blessing God has been  
 ' pleased to bestow on my Reign, in the Birth of  
 ' a Prince which my Grand Daughter the Dutches  
 ' of *Burgundy* has given to *France*, is one of the most  
 ' visible Marks I have received of his Protection. I  
 ' am the more sensible of it, because the like never  
 ' happened to any of the Kings my Predecessors, and  
 ' because it perpetuates the Happiness of my Domini-  
 ' ons, by securing to them so long a Train and Succes-  
 ' sion of Kings. The just Sense I have of it, makes  
 ' me think I cannot soon enough render God the  
 ' Thanks due to him for it: And I write you this  
 ' Letter, to acquaint you, that my Intention is you  
 ' cause *Te Deum* to be Sung in the Metropolitan Church  
 ' of my good City of *Paris*, &c.

K. Philip's farther Progress in Portugal. ' If from hence we travel into *Spain*, King *Philip*,  
 whom we left last entring into the Province of *Ale-  
 teijo*, on the first of this Month continued his March  
 and encamped near *Castle David*. *La Puebla* and *Al-  
 palin*



*Salao* submitted the same Day. On the 2d the Army marched towards *Portalegre* which was invested the 4th by the Duke of *Berwick*; and the Besieged fired above 200 Cannon shot that Day, but without doing Execution. The same Day the heavy Artillery arrived from *Valencia-d'Alcantara*. The 8th a great Fire was made from a Battery raised on an Eminence which overlooked a Fort that cover'd the Place; and oblig'd the Enemy to abandon a Half Moon and an advanced Work, and one of the Shot having set Fire to a Magazine of Powder, and blown up some Soldiers: This caused such a Consternation among the Garrison and the Inhabitants, that they bear a Parley, and were made Prisoners at Discretion, the *Spaniards* tell us There were in the Town, besides Militia, and a great Number of Inhabitants able to bear Arms, 1500 *Portuguese* regular Troops, 500 *English*; 18 Pieces of Cannon, and a great quantity of Provisions and Ammunition.

*Portalegre* being thus surrendred, the Marquess *de Aytona* on the 20th invested *Castel de Vide*, a Place very strongly situated and provided with a numerous Garrison. The 21st the Artillery was drawn up by strength of Hands, and Planted on a Hill, and the King sent 12 other Pieces of Cannon to be employed in the Siege. The 22d the Marquess of *Villadarias* arriv'd before the Place with the Troops he had brought from *Andalusia*, being appointed by *Philip* to command all the Forces employed in the Siege. The 23d a Breach was made in the Wall which the *English* repaired with Fascines. Next Day the Besieged made so great a Fire from their Artillery that they dismounted some of the *Spaniards*; Which obliged the Marquess of *Villadarias* to have them planted in Four different Places, whence he judged they might do more Execution. The following Night the Besieged made a great Salley; but were repulsed, and Soon after, the Besieged offer'd to capitulate, but *Villadaria* refusing to grant them any other Conditions, than that the Town should not be pillaged, and that they should be Prisoners of War: The *English* refused these Terms, and retired into the Castle; but considering they could not hope to be relieved, they yielded to March out without Arms, Colours, or Drums, to be conducted through *France*, or by Sea,

*June.* to England, after having taken an Oath not to bear Arms against his Catholick Majesty during this War. The Garrison was composed of 650 *English*, and 1350 *Portuguese*, regular Troops. There were in the Place 30 Pieces of Cannon, most of them Brass, and a great quantity of Arms, Ammunition and Provisions. The 25th the King sent the Marquess *de Lede* with a Detachment of Horse and the Brigade of the Count of *Pinto* to besiege *Montalvan*, in which were Four Companies who surrendered at Discretion. The 27th he ordered *Villadarias* to attack *Marven*, which surrendered at Discretion.

On the other Hand, the Marquess *das Minas* having drawn together a Body of *Portuguese* at *Almeida*, march'd from thence the 2d Instant; and being come into the Neighbourhood of *Aldea da Ponte*, was there informed that the Inhabitants of *Arganhaon*, one of the richest and most fertile Valleys of the Kingdom of *Castile*, had put their best Effects into the Town of *Fonte Grenalde*, whereupon he detached the Conde of *San Joan*, with 600 Horse and a like Number of Grenadiers, to attack the said Place; and notwithstanding it was well Garrison'd with Regular Foot and Militia, and Fortified with Intrenchments and Palisadoes and Trenches thrown up cross the Streets, the Conde executed his Orders with so much Bravery, that he entred it at the first Assault, and made the Garrison Prisoners at Discretion with the loss of but one Man. The Plunder of the Place which was very Considerable, was given to the Soldiers.

Fight at  
*Monfanto*.  
9.

This done and the Marquess having invested *Monfanto*; the *Spaniards* marching with all the Expedition they could to relieve it; their Left Wing, in which were most of their Horse-Officers, and the best of their Horse, attacked the *Portuguese* Right which was led by the Marquess *das Minas*; but tho' they exerted their utmost Vigour to break his Troops, hoping in consequence to put his Line into Disorder, the Marquess with all the superior and inferior Officers and Soldiers acquitted themselves so courageously, that not only the Enemies Left Wing was repulsed and broken, but their Right was put to Flight likewise, and were pursued by the Horse till it was dark towards *Idanha a Velha*: the *Portuguese* Accounts assure us, That





That had there been but Two Hours Day-light when the Fight began, not one of the Enemies had gone back alive to *Castile*. That 'twas certain however, that great part of their Army was cut off; for the Peasants understanding the Enemy were beaten, and running away in Disorder towards *Salvaterra* and *Sarca*, excited by a just Resentment of the Outrages they had suffered, from the *French* especially, who spar'd nothing either Sacred or Common, but acted such Villanies as were not to be expressed; drew together to the Number of 1500, and Arming themselves with such Weapons as Rage and Revenge furnish'd, they posted themselves in the Passages of the Mountains, and gave no Quarter either to *French* or *Spaniards*, but knocked on the Head all that came in their Way. That the Number they killed might be guessed by the Horses they took, which were 1800 that they slew besides great part of the Enemies Foot, which consisted of above 6000 Men. That all the Enemies Baggage was taken, except what they burnt, that likewise great Number of Carts and Waggons, a considerable quantity of Powder and other Ammunition and Arms both of Horse and Foot were taken by the *Portuguese*; who among the Booty found rich Cloaths, Plate, and other Things of Value. That they likewise took Six Standards. The *Spaniards* made their Loss upon this Occasion to be inconsiderable; and the most that fell upon the Place of Action the *Portuguese* make to amount to no more than 300; however they Magnifie the Conduct and intrepidity, of the Marquess *das Minas* who was wounded in the Arm, and received a Contusion in the Head, yet pressed forward in the Action, and received Six Cuts in his Hat which was lined with Iron, and many more Thrusts or Cuts in his Coat. However the Castle of *Monsanto* continuing to defend it self very vigorously after the Fight, the Marquess sent thither 400 Grana- diers; but the Situation of the Place rendred it very difficult to be taken, the Marquess ordered the Quarter-Master *Francisco Pimentel*, to endeavour to set Fire to the Gate with Fascines, which was done, and the Enemy retired within the Castle, which was surrendered the 14th on Discretion.

June.  
Proceed-  
ings of  
the Fleet.

It would look too invidious to give (as some have done) a contrary Turn to this Action, and to transform the 1800 Horses taken into about Fifty lame Mules and Asses, &c. our Allies ought rather to be encouraged, when they do any thing well, and Men were not born Soldiers; neither shall we here inquire into the Conduct of Duke *Schomberg*, in *Portugal*; and therefore but just here to mention that the Queen appointed the Earl of *Galloway* to succeed him; we have little to say of our Fleet in these Parts this Month, about the Beginning of which they put into the Bay of *Althea*, to whom on the 7th at Night, the Country Inhabitants giving an Account that there was a Report, That some Horse and 400 Foot, were ready to fall upon our People and Boats at the Watering-place, it was immediately ordered to Land a compleat Number of Marine-Soldiers to support them. Accordingly on the 8th in the Morning Count *Nugent*, (an Officer under the Prince of *Hesse*) brought an Account to the Admiral, having desired leave of him the Night before to go on Shoar, as a *Voluntier* with the foresaid Marines, and to whom Sir *George* had given Directions, he knowing the Language, to take Order, with the Advice of the Country People, for the Covering of our Men at the Watering-place. His Lordship having had the Opportunity, with the consent of the Captain that Commanded, to send a Serjeant with Ten Men to fright the Governour out of a Strong Tower, standing near the Sea side, whereon was mounted one large Brass Gun, which there was no coming at without a Ladder. The Governour was the Son of him that Commanded the Castle of the Town, and the Lord *Nugent* thinking by this means to render himself Master of the foresaid Castle by the same Stratagem, brought his Son before the Gates, and urging the Father with such threatening, as are usual on such Occasions to surrender, his Lordship's Stratagem accordingly succeeded, or otherwise this Castle being very strong, it would have taken up a great deal more time than the tarryng of one Night, and that without Guns, so that his Gates would not have been so easily opened; therefore at last, the Governour hoping to save his Honour, promised to surrender, but withal desired, that the Troops should fire

fire a Volley of small Shot, and that he would fire his Guns, and so march out with his Arms, and deliver up the Castle, which was agreed to and performed; whereupon Sir George commanded that the Castle should be blown up.

On the 9th the Fleet passed Cape *Palas*, and so coming through the Streights of *Lagos Bay*, Sir *Cloudefley Shovel* join'd them on the 16th with the Reinforcement from *England*, consisting of 23 Ships of the Line of Battle. On the 17th, the Admiral called a Council of War, and by what could be understood, Sir George's new Orders being to act in every Undertaking in Conformity with the Ministry of the Kings of *Spain* and *Portugal*, it was resolved to pass up the Streights again, and there expect what Resolutions would be taken by the Two Kings, and to send away immediately an Express by *Lagos*, to give them an Account of the Determination of the Council of War, and how that without a competent Number of Troops to be put on Board the Fleet, no Enterprize could be performed with Success on Shore, the Marines being part of the Ship's Complement, and could not be spared on that Juncture, when the *French* Fleet were hourly expected upon them. However, their Appearing again in the Streights would convince the *French*, that they were mistaken in their Opinion of being Masters of those Seas, and would also encourage all those that were well enclined to the Common Cause. The same Day they continued to stand off and on from Shore, betwixt *Lagos* and Cape *St. Mary's*. And on the 18th Two Ships were sent to *Lagos* with that Express, with Orders to stay there, and bring Answers back to Sir George at the appointed Rendezvous near *Tetuan*; and Four other Ships were order'd to go to the Islands of *Terceras*, to convoy home the *Portuguese* Fleet from *Brazil*. The *Grafton* and *Kingston* were also order'd for *Tangier*, and to join the Fleet as they passed by.

The Fleet meeting with contrary Winds, and having undertaken nothing of Moment the rest of this Month, we'll now pass into *Piedmont*. We have already mention'd the Investing of *Susa* by the Duke *Suzabe-la Feuillade*. The *French* tell us, the Enemy had besieged by a Body of 1400 Horse on the further Side of it, in the

*June.* Valley that leads towards *Turin*, and another of between 15 and 1800 Foot on a Hill between the Camp and *Suza*, which covered the Place. That there were several warm Skirmishes to dislodge this last Body. The most considerable of which was on the 5th, wherein a great Number of the *Savoyards* were killed. That then the Redoubt of *Catinat* was attack'd, which on the 7th surrendred, and Eighty Men in it were made Prisoners of War. After which Batteries were rais'd against the Cittadel, the Garrison of which, despairing of Relief, capitulated the 12th, and march'd out with their Arms and Baggage, and Two Pieces of Cannon, to be conducted to *Turin*.

As for the Allies, they said, that the *French* came before *Suza* on the 31st of *May*, and the Keys of the Town, which was not in a Condition of Defence, was presented to them, and accepted on honourable Terms. That on the 1st of *June* the Enemy attack'd a Redoubt on a rising Ground, called the *Brunette*, but were repuls'd. That on the 2d they batter'd it with Six Pieces of Cannon; and the same Day the Count *Castellamonte* having join'd the Garrison of *Suza* with several Thousand Peasants, they attack'd the *French* with so much Vigour, that after a sharp Dispute they oblig'd them to retire with great Loss, leaving their Artillery and 500 Men killed on the Ground, besides a great Number of Prisoners. That Monsieur *de Blagnac*, who commanded in *Suza*, caus'd the Two Consuls of the Town to be seiz'd and sent to *Turin* bound, because that in one of their Ware-Houses 800 Muskets were found, with the Arms of *France* on them. That the *French* renew'd the Attack of the *Brunette* on the 4th, and continued it till Night, but were repuls'd: But *de la Fuillade*, on the 5th, made a general Assault on it with all his Forces, and possess'd himself of part of it; but *de Blagnac* with some of his Troops, and Colonel *Schulembourg* with one of his Battalions, acted with so great Bravery, that the Enemy was twice beaten clear out of the Redoubt. That in that Action the *French* lost near 1000 Men, amongst them several Officers, and the Allies but 200 killed or wounded. The Enemy took several Prisoners, among them Colonel *Schulembourg* and the Major of his Regiment. The principal Officer of the *French*



French Artillery was kill'd. That the 6th the French storm'd the *Brunette* again, and obliged the Besieged to quit that Post and retire : And that on the 12th the Citadel surrendred upon honourable Terms.

In the mean time, the Duke of *Vendosme*, having not been able to oblige the Duke of *Savoy* to decamp from *Cresentino*, resolv'd to besiege *Vercelli* ; and having left strong Detachments in *Trino*, *Dezana*, and several other Posts, to hinder his Royal Highness from relieving that Place, invested *Vercelli* the 10th, and caus'd the Trenches to be open'd the 14th at Night. The Overflowing of the *Sesia* the 17th prov'd a great Hindrance to them ; but they continued their Approaches the 19th, and had that Day Forty Pieces of Cannon on their Batteries. Their Train of Artillery for the Siege consist'd of 80 Pieces of Cannon, 30 Mortars, 4000 Bombs, and 400 Waggon's loaded with Ammunition : However, the Place made a gallant Defence. and we shall not yet hear of the Surrendry of it.

Things look'd now but with an ill Aspect upon the Affairs of the Emperor in *Italy*. About the End of *May*, the Cardinal *Astali*, Legate of *Ferrara*, by Order of the Pope, required the *Imperialists* and *French* to quit the *Ferrarese* upon Pain of Excommunication, which they had complied with, but that the *French* were return'd again upon some frivolous Pretence. This oblig'd the *Imperialists* to return to *Figarolo*, to observe the *French*, and to hinder them from passing the *Po*. The Cardinal Legate made new Instances to both Parties to retire, and at last the same was agreed to, upon this Condition, That the Troops of the Pope should be posted on the Banks of the *Po*, to secure the Passes thereof : and that, in case the *French* attempted the same contrary to the solemn Promises they made, his Holiness should join with the *Imperialists* against the Enemy, and give them speedy Notice of the Motions they should make on the other Side of the River. The *Imperialists* and *French* quitted thereupon the Territories of the Pope, the *French* posting themselves at *Quadrella*, on the Frontiers of the *Mantuan*, and the *Imperialists* left a small Body in the *Mantuan* likewise, very near *Figarolo*, to be ready at Hand to join the Troops of the Pope: The

*June.* Grand-Prior of *France* was, during all these Transactions, before *Serravalle*, but the *Imperialists* made such a vigorous Resistance, that he despaired to take that Post, and consequently to dislodge the *Germans* from *Ostiglia*. These Difficulties put the *French* Generals upon other Measures, and accordingly the Grand-Prior of *France* and the Marquess of *St. Fremont* had a Conference with the *Sieur Paulucci*, General of the Troops of the Pope, wherein 'twas likely they concerted a Project, which was executed the Day after in the following Manner. They embark'd at *Quadrella* 300 Granadiers and 500 Foot in the Night, who landed by Break of Day at *Figarolo* without any Opposition, and were follow'd by Six other Battalions. The Troops of the Pope, who were posted there, made no manner of Resistance, and did not so much as fire one Shot to give Notice of their Coming to the *Imperialists*, who had a Body posted on the other Side of the Canal, under the Command of General *Visconti*, who being thus surpriz'd by this signal Treachery of the Troops of the Pope, lost part of his Equipage.

Count *Leiningen*, who commanded the *Imperialists* in Chief, having Notice thereof, held a great Council of War, wherein, after a mature Consideration of the Posture of Affairs, it was judged impossible for them to maintain their Posts in the *Mantuan*, being surrounded on all Sides, and therefore it was resolved to use all possible Diligence for withdrawing their Cannon and Baggage, and repass the *Adige*, to retire into the Country of *Trent*. That Resolution was so diligently executed, that the *Imperialists* quitted *Ostiglia*, *Pontemolino*, and other Posts, and having passed the Canal *Blanco*, went over the *Adige* at *Castelbaldo*, breaking down the Bridge after them. They continued their March along the River *Verona* and *Pescantina*, from whence they sent most of their Artillery into the *Vincentino*, and march'd by the *Chiusa* towards *Trent*, quitting thus *Italy*, where they had maintain'd themselves against the Power of *France* and *Spain*, and gain'd so much Glory, that their Actions will hardly find Credit with Posterity,

The Pope made all the Excuses he could for this Piece of Collusion to the *Imperial* Ambassador, which we shall not dwell upon here, but move from these Parts into *Switzerland*. We have observed before, that the Deputies of the Canton of *Bern* made pressing Instances to those of *Zurich* and *Schaffhausen* to comply with the Demand made by the Envoy of *Savoy* to the Protestant Cantons for a certain Number of Troops to enable his Master to keep the Barrier of *Savoy*; to enforce which the said Deputies thought fit to put in the following Memorial to the Deputies of the other Two Cantons.

‘ Since no State is to be blamed, if when the Emergency of Affairs requires, they are careful to secure their dear bought Liberty, and protect their Territories and Subjects, especially when they are visibly threatned with the Loss of both, we hope the Laudable States of *Bern*, the gracious Lords of us the Underwritten, will not be blamed, if finding themselves in such a melancholy Strait, they endeavour in time to prevent the Ruine of all that is dear to them as Men and Christians: To that End they have already done all that’s possible by earnest and pressing Instances, to obtain a Neutrality for the Dutchy of *Savoy* on this Side the Mountains, which, after long Expectation, is at last refused. Memorial of Bern to Zurich.

‘ By this Means the Laudable States of *Bern* is in an unsufferable Manner shut up by the *French*, who have already an Opportunity to treat them like Masters, not as Friends; so that the Government, the Subjects and the Trade of *Bern*, and that Canton’s performing what they owe to the League with the other Cantons, or Foreign Potentates, depends wholly on *France*. *Geneva* must fall, the Bishop’s See first settled there, afterwards at *Lausanne*, and last at *Basil*, and the whole State of Religion be altered at their Pleasure; and the Spiritual and Civil Liberty of the County of *Neufchatel* must undoubtedly follow. And since the Town of *Bern* may be seized in one Night’s time, and brought into a miserable Condition; what the other Protestant Cantons are then to expect. how fruitless all Councils of

June.

‘ War, all the Troops, and all the Counsels and Resolves of the Confederate Cantons must then be, especially when Money and the Interest of the Church of *Rome* shall be cast into the Ballance, all considering and understanding Men may easily foresee. In this Case there will scarce be left us a Shadow of Liberty, and only tormenting Reflections of Mind upon our own Carelessness.

‘ The great Friendship of *France*, on which we have so much relied, does as much seduce us now to our own Destruction, as it has formerly done many other free States to their utter Ruine. So long as their Friendship could assure our State, that we had no Reason to fear being surrounded by any one Power by the Loss of one or other of our Barriers, we were not in a Condition to understand why the brave Republick of *Holland* would sacrifice their Commerce and the Friendship contracted betwixt them and *France*, and would be at the Expence of so much Blood and Treasure in the past and present War for maintaining a Barrier.

‘ It is true, *France* would remove our Jealousie by declaring, that *Savoy* shall not be annex’d to their Crown; but who can assure us, that this Declaration shall stand good at the next Treaty of Peace. How many Pretences of the like sort may be instanced in? And how many ill Designs, by some private Bargain or other, may lie hid under this Offer? But this Dutchy, say they, may be kept without being incorporated, as well as *Lorain*. But how much we are to rely on their repeated Promises, we may see from their Threatnings against the *Frickdale*, the Forest-Towns and the Lake of *Constance*.

‘ We are also convinced, that Prudence will not allow us to trust the Welfare of the Republick, which is the Chief of all, upon such a Declaration, after so many Warnings, that Treaties upon Oath are not of Force enough, especially since we are not to hope for any Guarrantee or Caution, that the Laudable Canton of *Bern* shall not find themselves deserted in the Treaty by the Duke of *Savoy* himself and his potent Allies, as, perhaps, they will when there is neither Time nor Means to ward off the approaching Evil.

Be.



‘ Besides, who can believe that *France* will abide by such a Declaration, when they shall find themselves able to bring their Neighbouring Countries and Inhabitants, nay, the whole *Swiss* Confederacy into a Dependency and Subjection; and that they will abandon the Law of Conveniency, and the Advice of Cardinal *Richlieu*. To set Bounds to the Desire of Dominion, is a very difficult Thing, when Ambition and Advantage dissuade from it.

‘ We find by Experience at this very Time, that though *France* have so many Enemies to deal with, though they have received, and do still receive so much good Service from the Confederate Cantons, though they have Reason on all Occasions to shew Marks of Respect to this Nation, and have several times promised expressly to take care of our Peace, yet they will not for our Satisfaction forego any Advantages.

‘ We ought wisely to take Care, since the Reputation of the Confederate Cantons has fallen so much by the Loss of *Burgundy*, to keep up a due Sense of Danger; and to consider how our Country will fall into Shame and Disgrace, by suffering our selves to be surrounded, against former Resolves and Experience of Danger from it.

‘ Had our Government, when *Burgundy* was lost, had such an Idea of Things as they have at present, they would have made greater Efforts than they did for the Preservation of that Barrier; and the suffering the Barrier of *Savoy* to be taken from them, during the present dismal Prospect of Affairs, was a second Fault, and the greatest Weakness they could ever shew. Therefore it behoves us, for the Welfare of our Country, to come to such Resolves as may ward off the threatned Mischief.

‘ We formerly entred into such Resolves with relation to *Geneva*, against the Enlarging of *Hunningen*, and the Fortifications at *Creutznach*, for the Preservation of the *Frickdal*, of the Forest-Towns, and those on the Lake of *Constance*, and in the Bishoprick of *Basil*; those good Resolves made the *French* afraid to use us ill.

June.

“The Resolve then ought to be, to put the Duke of Savoy in a Condition, by granting him a certain Number of our Troops, to keep Possession of that Dutchy.

“This will undoubtedly obtain the desired Neutrality, according to the Perpetual Peace, and the Declaration of the Confederate Cantons in 1669. and this is what we are forced to, failing all other Means, by Necessity and the Supream Law, which is the Safety of the People.

“The Design of this, is not in any wise to make War upon France, but only to put our Liberty, our Country, and our Subjects in a State of Security; to which we are obliged by the Laws of God, of Nature, and of Nations, which is justified by our Treaties with France, and by the Example of our Ancestors. If we don't do thus, when France shall attack this or any other Barrier of our Country in a hostile Manner, then our Hands must be tied, and we cannot provide for our Security on the Side of Savoy, or against the Alienation of that Dutchy; and by this Means all the Care of our Ancestors is not only rendred of no Effect, but we must meanly submit to the Yoak's being put about our Neck.

“It is true, France will look upon such a Resolve, as they do upon all other Things that are against their Interest, as an injurious Undertaking; but shall we upon that Account neglect our Duty to our Country, since if it be an Injury, it is so to them, but not in Right; and our Condition must be very deplorable, when our Safety comes to depend on the Interest of France.

“But, supposing that our Opposition to France should be attended by some Disasters, yet we are to consider, that they are no way to be compared to the Dangers that must necessarily ensue our being surrounded by the Power of France. If the Fear of those Disasters that may happen by our Opposition to France, should frighten us from adhering to the Interest of our Country, we must henceforward bid Farewel to our Liberty, and look upon our selves as Vassals to France, our Dyers, our Revenues, and our Independency will be lost, and all our Endeavours to preserve our Country and People will be in vain, and

‘and we shall have nothing left us but a Shadow of our former Sovereignty.

‘Besides, the Dangers that may happen from our Opposition to their Designs, are such as may wear out in Process of Time, and therefore are not to be compared with those permanent Dangers, and their fatal Consequences, that must be the necessary Result of our being encompassed by *France*.

‘Above all, it is to be observed, that the Importance of such a Resolve is known to all the World; and it is agreeable to all the Reasons of State, and to all the Maxims and Practices of our Laudable Ancestors, that we should not suffer our selves to be surrounded by any one Potentate; and that by our not entring into such a wholesome Resolve for the Deliverance of our Country, the whole Nation must thereby not only fall into the utmost Contempt, but that in such a Case our State will scarcely be accounted Sovereigns.

‘Therefore we earnestly desire both the Laudable Cantons, and particularly the honourable Deputies, that for the Reasons above-mention’d, they would, according to their usual Wisdom, communicate and recommend this Memorial to their Principals, for the Satisfaction of our said Lords and Masters.

Now the Canton of *Zurich* being assembled to consider of that Affair, Dr. *Aglionby*, Envoy Extraordinary of the Queen of *England*, presented them the following Memorial, to back the Arguments of the Deputies of *Bern*, and those formerly delivered by the Envoy of *Savoy*.

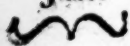
*Magnificent Lords,*

‘Knowing as I do, the sincere Affections of Her Majesty the Queen of *Great Britain*, my Sovereign, for the Laudable Protestant Cantons, and perceiving the Danger that threatens you, I judge it my Duty to communicate my Thoughts to you upon this Critical Juncture, and I flatter my self that you will approve my Reflections upon this Subject, since, I impart them meerly because I am truly concerned, and not that I in any wise doubt, your Judgment, and Penetration,

The Eng-  
lish En-  
voy's Me-  
moir to  
*Bern*.  
2.

‘It's

June.



‘It’s certain there can be nothing more harsh than the Proceedings of *France* towards you; they usually consider no Body, but in particular they have shewn so little Regard for the Laudable *Helvetic* Body, with relation to the Neutrality of *Savoy*, that tho’ you were to expect every thing that was intollerable from them, yet I cannot, but be surprized that they carry themselves towards you with so much Haughtiness and so little Esteem.

‘You may rely upon it, that if you pass by this sort of Conduct now, for the Time to come, you must expect nothing but all sorts of Indignities and Contempt. Your Reputation and your Safety are equally concerned in your taking such Measures, as may let *France* and all *Europe* know your Value, and that you are always in a Condition to bring those to Repentance who treat you ill.

‘I will say nothing of the Reasons you have to re-establish his Royal Highness in *Savoy*. I am sure you understand it thoroughly, as the steps you have hitherto taken, do sufficiently testify, nor is it to be doubted that the Preservation of *Geneva*, and of the Country of *Vaux*, and by Consequence, that of all the Protestant Cantons do visibly depend upon it. This is a Truth of that Nature which is known to every Body, and needs no Particulars to demonstrate it.

‘The Preservation of the Laudable Protestant Cantons depends solely upon their Union betwixt themselves, and principally betwixt you and those of *Bern*. Your Interest ought to be theirs, they cannot preserve themselves without that, and you ought also to look upon their Interest as your own. Your Two Cantons perfectly united, will always be able to put a stop to the Designs of those that would attempt any thing against them: But without this perfect Harmony, I see nothing but Hazard and imminent Danger for all the Laudable Protestant Cantons.

‘I beheld with much Satisfaction, with what Heartiness and Zeal those *Bern* did last Year declare for the Interests of your Neighbourhood; and I had no less pleasure to see the Affection you testified towards them in *January* last, when you assured them

‘that



June.

that you would never abandon them in what related to the Security of *Savoy*, and that you would concur with them to restore a perfect Tranquility on that side. You did then judge that new Efforts were to be made, for accomplishing so good a Design by way of Treaty; but, if that failed, that you must take more effectual Measures. Negotiations have been altogether useless, so that you have nothing to hope for from them. You have no other way now left you, but to join perfectly with your dear Allies of *Bern*, to act in Concert with them, and to support them in what they need as they demand it, that they may be more at Liberty, and in a Condition, to support you in the like Case, and that a good Understanding may be so firmly established betwixt you, as the common Enemy shall find it impossible to break it.

The Steps you shall take to maintain the Laudable Canton of *Bern* will be so far from exposing you to the Insults of *France*, that they will procure you the Respect of that Nation, by making you more considerable in their Eyes; and for that Reason they will procure you the Esteem of the Laudable Catholic Cantons, and it would seem to me that you are so much the less to make any demurr upon this, that nothing is demanded of you but what is agreeable to your perpetual Peace with *France*, nor any thing that can give them a plausible Pretext of Complaint, and much less to disturb your Peace. I pray God so to direct your Councils, that you may take Measures agreeable to the Purity of our Holy Religion, and to the Interest of your State.

June 2.

We must leave the *Swiss* to ruminate for a while on these important Things. As for the Malecontent *Hungarians*, they still seemed to prosper, and, notwithstanding any Negotiations agitated between them and the Court of *Vienna*, they still proceeded in the Actions of the Field. Towards the Beginning of the Month, Count *Caroli* advanced with 1500 Horse to *Schwochet*, within Two Leagues of *Vienna*, but retired without doing any great Damage, while General *Heister* burnt the Towns of *Vesprin* and *Papa*, by way

June.

of Punishment to the Inhabitants, who having submitted to the Emperor, were fallen off again to the Malecontents. But General *Forgatsch* observing him with a considerable Body of Malecontents, and Count *Caroli* keeping between him and *Vienna*, the Malecontents thought they had him almost at their Mercy, and the Imperial Court were under great Apprehensions for him because they could get no News from him. While things stood thus, Count *Caroli* wrote the following Letter to General *Palfi*.

C. *Caroli*'s  
Letter to  
C. *Palfi*.  
9.

I Doubt not but your Excellency is sufficiently informed, how God has supported and blessed our just Cause ; that the Body of Troops commanded by General *Ritschau* is utterly ruined, and he himself made the Prisoner of the illustrious Prince *Regotski*. The Wrath of God pursues General *Heister* likewise, who neglecting to defend the Emperor, the Country, and the helpless People, Employs all his Force only to harass and ruin the miserable Country, therein pursuing Self-ends. Of this the Inhabitants of divers Quarters and the many dwellings laid in Ashes afford sad Proof. We might by God's help have prevented this, but God, to convince the whole World of the cruel Wickedness with which the *Germans* Treat our Nation, suffered them to perpetrate such Outrages as no Tyrant ever practiced. But as the righteous God has punished General *Ritschau*, so hath he now begun to humble General *Heister* ; Of which I thought fit to give you Notice, because you can have no Intelligence from him by the Ordinary Means. I could do greater Mischief than I have yet done, but I rather chuse to leave it to God to revenge the Wrong done to the Innocent People of our Nation. I am, &c.

*Schwochet*, June 9. 2705.

*Alexander Caroli*.

But Count *Caroli* (who a Day or two after, march'd farther back into Lower Hungary,) Triumphed too soon ; for General *Heister* held a great Council of War the 12th at *Giermurth*, in which it was resolved that the Baggage and Sick should be sent that Night to *Raab* ; and that the Army should march directly against

gainst the Body of Troops Commanded by General *Forgatz*. Accordingly, the Van-guard marched the 13th at Five in the Morning till they came up with the advanced Guard of the Enemy, and Charged them so vigorously that they drove them back into the Camp. General *Forgatz*, who was advantageously posted behind an Intrenchment, which he had caused to be thrown up before his Camp, which had a rising Ground on the Right, immediately drew up his Men in order of Battle; and causing his Infantry to march on the back of an Hill, he advanced towards the Imperial Army, and surrounded it with all his Forces, which were at least 18000 in Number. Hereupon *Heister* caused Twelve Field-Pieces to be planted with all Expedition on the Flank of each Wing of his Army, under the Direction of Monsieur *van Wallen* General of the Artillery; which made a great Fire upon the Malecontents; but they stood about 100 Cannon Shot which did Execution among them, with out stirring from their Ground. An Hour and a half being spent thus; at length the Malecontents moved to gain a rising Ground, in order to fall upon our Right Wing where the *Croats* were posted. But General *Heister* resolving to take Advantage of this Motion, advanced in Person with the Regiment of Dragoons of *Schilck*, and attacked them. Those Dragoons perform'd Wonders; and the main Body moving up at the same time, a hot Dispute ensued, which lasted Three Hours, and then the Malecontents fled over a Morass. 'Twas said, 3000 of their Foot were killed in the Action, and good part of their Horse. Six Pieces of Cannon were taken from them, and 40 Colours. The *Imperialists* would own but 30 Men killed, and 50 wounded. Count *Caroli* came in, hearing the Noise of the Artillery, but seeing the Field covered with dead Bodies, he made off with all Expedition; and after the Action, General *Heister* return'd with his Army to his Camp at *Gier-murth*.

*Heister*  
defeats  
the Hun-  
garian  
Malecon-  
tents.  
13.

In the mean time, the *Turkish* Envoy had Audience of the Emperor the 11th Instant, to which he had Audience of in one of his Imperial Majesty's Coaches, drawn by the Emperor. Six Horses, preceded by a Guard of Soldiers, Two of

*Turkish*  
Envoy

June.

of the principal of his Retinue on Horseback, and a Third, who carried his Credential Letter held up high in both Hands, having his Horse led by Two Turks. Four Turks walked on each Side the Envoy's Coach, and the rest of his Retinue followed, some on Foot, some on Horseback. The 13th he was conducted to the Count of *Rapach*, who acted as President of the Council of War, in the Absence of Prince *Eugene*, and deliver'd to him Letters from the Sultan, notifying his Advancement to the Throne, and his Resolution to maintain the Peace of *Carlowitz*, made with his Imperial Majesty.

Soon after, viz. on the 25th, the Two Deputies of the Malecontents in *Hungary* set out for that Kingdom, with the Emperor's Declaration upon several Heads of the Grievances laid before him.

I know not whether we may rely upon what was then said to be the Demands of the *Hungarians* by these Deputies of the Emperor; but take 'em as we have 'em, thus:

Demands  
of the  
*Hungarians*.

1. That the *English* and *Dutch* Ministers shall be Mediators.
2. That the Generals *Heister* and *Rabutin* shall be recalled.
3. That the King shall reside at *Presburg* or *Buda*.
4. That the Right of a Free Election, their ancient Privileges, and the Decree of *S. Andrew* shall be confirm'd.
5. That a Dyet should be held in *Hungary* once in Three Years.
6. That the Treaty with the *Turks* may be communicated to the *Hungarians*, and no Treaty afterwards be managed without them.
7. That the Foreign Troops be sent out of the Kingdom, and never brought in again without Consent of the Dyet; and that the *Hungarian* Militia may be set on Foot.
8. That the Courts of Justice may have their ancient Freedom.
9. That the Benefices and Offices of the Church be given to none but *Hungarians*, Protestants as well as Papists.
10. That the ancient Privileges be restor'd to the Office of Palatine.
11. That the Mountain Towns, as well as other free Royal Towns, may enjoy all their Liberties.
12. That the Court Chambers, who have the Charge of the Affairs of *Hungary*, may be subject to the Laws of *Hungary*.
13. That the Salt Trade of *Hungary* may be free.
14. That all the Posts in the Kingdom be

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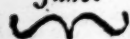


conferred upon Natives, without Difference of Religion. 15. That no Imposts or Taxes be laid on, but by the Dyet; nor any Troops quartered but by their Consent. 16. That all new Conquests be incorporated with the Kingdom. 17. That the Hungarians be not vexed as formerly by Commissaries about bordering the Conquests. 18. That no Hungarians be tried by Commissions out of the Kingdom. 19. That the Sentence against *Ragotski* be reversed, and he declared a Prince. 20. That none but Native Lawyers be admitted into the Hungarian Chancellery. 21. That all Strangers go out of the Kingdom. 22. That the greater and lesser Nobility may enjoy their Privileges. 23. That the Revenues and Patrimony of the Crown be annexed to the Crown. 24. that the Jesuits be banished the Kingdom. 25. That the *Transilvanians* be likewise made a free People.

They told us likewise that These Articles being debated in the Emperor's Council, they returned an Answer to this Effect: 'That the Rights acquired in Hungary by the Blood of the Germans, and at the Charge of the Hereditary Countries be maintained. That the Hungarians, shall be restored to all their Rights and Posts, and their Rights and Privileges shall be preserved. That the Articles of the Dyets of *Edenburg* and *Presburg*, concerning Religion, shall be inviolable, and that Offices shall be indifferently conferred. That the Price of Salt shall be limited, the Superfluity and Want of it provided against; and the like in *Transilvania*. That the Hungarian Wine shall be allowed Course into Neighbouring as well as into remote Countries; and that as soon as a Cessation of Arms is concluded, the Malecontents shall be allowed to present their Grievances, in the Presence of the Ministers of *England* and *Holland*. That for the Time to come, the Emperor himself shall be present at the Dyet of Hungary, to consult with the States of what shall be necessary; or otherwise the King of the Romans shall be sent thither for that End.

Empe-  
ror's An-  
swer.

June.



Resolutions of the  
Polish Assembly of  
*Sendomir*.

We'll now make a Step into *Poland*. We have before mentioned the Assembly at *Sendomir* in favour of King *Augustus*, which having been assured by a New Oath taken by his Majesty, that he abhorred the Thoughts of Arbitrary Power, and would maintain the Legal and Ancient Constitution of the Republick, they came to several Resolutions, very favourable to the Interests of that Prince, of which the following are the most material. 1. They took a new Oath, obliging themselves thereby to oppose the perfidious Conventicle of *Warsaw* with all their Might, in order to ward off the fatal Blow intended by the Rebels against the Republick. 2. They declared that the Proceedings of that Conventicle, and their declaring the Throne vacant, was an audacious Attempt, odious to all the Christian World, and therefore declar'd the same null, void and treacherous, and that such who should join in the same Measures with the Confederates, should be looked upon as their Accomplices. 3. That any Prince who shall take upon him the Title of King of *Poland*, or shall stand Candidate in the next pretended Election, shall be deemed the Enemy and Tyrant of the Country. 4. The Primate and the Bishop of *Pozen* being looked upon as the chief Authors and Promoters of these Troubles, and not minding the King's Favours towards them, are declared Enemies of their Country, infamous, and Rebels, and Application is to be made to the Pope that those Prelates be proceeded against by Excommunication and other Censures of the Church, as being the Occasion of the Effusion of so much Christian Blood, and that in the mean time, their Revenues shall be seized and confiscated. 5. The Marshal of the Crown, and others who have entred into the Confederacy at *Warsaw*, are declared Rebels, and condemned as such, unless within Four Weeks they quit the Party of the Rebels, and return to the Obedience of their Sovereign, which Favour was granted them upon the King's earnest Desire. 6. That such who shall thus return to their Duty, shall have their Pardon, without any Restriction, and shall be paid off their Arrears, if they are in the Service. 7. That the Governours and Commanders of the Fortresses of the Kingdom shall no longer respect the Orders of the

the Marshal of the Crown, but shall receive Directions from the Marshal of the Royal Confederacy for King *Augustus*. 8thly and Lastly, That the Alliances made, or to be made with the Neighbouring Princes to invade by way of Diversion the Territories of *Sweden*, shall be confirmed, provided there is not the least Dismembring of the Dominions of the Republick, stipulated in those Treaties. These Articles being subscribed and confirmed by Oath. The King on the other Hand swore again to the *Pacta Conventa*, that he should not exact from the Republick the Sums of Money he had borrow'd; that the *Saxon* Troops should be under the Command and Direction of the General of the Army of the Crown, that all the Subsidies that should be granted should be applied to the Payment of the said Army; and, Lastly, that the Conquests that should be made on the Enemies of his Majesty and the Nation should be annex'd to the Republick.

On the other hand, notwithstanding any thing that has been said already concerning the Election of a new King, some of the Confederates having fix'd the 19th for the Day of Election of a new King, the Cardinal-Primate, the great General of the Crown, the Marshal of the Confederacy, the great Treasurer *Sapieha* and his Son, the Palatines of *Poznań* and *Sieradz*, as also the Palatine of *Łęczyca* and his Son, the Cup-bearer of the Crown, and Fifteen Deputies, went to the Cathedral Church of *Warsaw*, where Mass was said, and the Assistance of the Holy Ghost in the Work they were about was invoked; and a Sermon suitable to the Occasion was preach'd by a Jesuit. From the Church they went out of the City to the Place where the Kings are usually chosen, and being placed under a great Tent, which was surrounded with *Swedish* Horse and Foot, as also with Six Troops of the Army of the Crown, and the Cardinal Primate's Guards: That Prelate and the Marshal of the Confederacy made each a Speech, setting forth the Occasion of their coming thither, and the latter was chosen Marshal of the Election. They were proceeding to name the Candidates when one or more of the Deputies of the City of *Warsaw* protested against it, and said, they ought first to see the King of

June.

Sweden's Promises to raise no more Contributions executed; and that he ought to withdraw his Troops out of the Kingdom. In short, after much Contest, it was agreed to defer the Election to the 25th: On which Day they met again in the Field. The Marshal would have read the Reply he had drawn up against the Act of Confederacy made by the Royalists at *Sandomir*; but the Deputies of *Plosko* hindred him, interposing their Complaints that the King of Sweden had not kept his Word; that all their Palatinate was ruined; and that when the Swedes retired out of it, the Troops of the House of *Sapieha* entred, pillaging all the Places they pass'd through, and burning several Villages and Gentlemens Seats. To this Monsieur *Sapieha*, and his Son, who were both present, made no Reply; but the Marshal endeavoured to appease them, by proposing to send Deputies to General *Horn*, the King of Sweden's Commissioner, to desire him to take Care that such Disorders and Contributions might cease. The Cardinal-Primate seconded him; but one of the Deputies declared, that if General *Horn* did not give a positive and final Answer the next Day, he would enter his Protest against all that should be done in his Absence, and go back to his Palatinate. After this, part of the above-mention'd Reply was read, and a certain Deputy finding fault that his *Polish* Majesty was stiled the *Most Serene King Augustus* in it, the Palatines of *Siradia* and *Lenciscia*, as also the Chastellan of *Inowoclawia*, took him up very short, and insisted, that that Expression should by all means be retain'd. The 26th the Marshal and a few of the Deputies met again, and adjourn'd till the next Day, because the Grand General was seiz'd with a kind of an Apoplexy. But at length the Election being fixed to be on the 12th of *July*, we shall hear more of this knotty Affair in its proper Place.

As for the Transactions of the Field in this Country, they were of no great Moment. We find, that 5000 *Lithuanians* and *Saxons* being on the 16th detach'd over the *Vistula* from *Sandomir*, under the Command of Prince *Wiesnowiski*, on the 13th fell in with 500 Swedes of General *Reinschield's* Army, and attack'd them so fiercely, that they cut them all in Pieces,



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E. Kustenburg C.  
F. Tuggeros  
G. Waldsburg C.  
H. Augsburg B.  
I. Lüttings B.  
K. Neuburg D.  
L. Reichenberg C.  
M. Aching C.  
N. Territory of Ulm.

Rhosweil -  
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# ALSACE

# S U I

**S S E Constance**



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Pieces, except 20 that escaped; whereas the King's Party lost but 16 Men, and 55 wounded. But, to counterballance this Loss, the Nobility of *Nur, Lomx* and *Rozaine* having drawn together a Body of Men, surrounded 600 *Swedes*; but Succours coming to the latter, they fought and defeated the Troops of the Nobility, killing 5 or 600 of them, and then burnt the Town of *Nur*, and several others.

It's time now we should come to the Continuance *Marl-* of the Duke of *Marlborough's* March to the *Danube*, *borough's* and the Effects of it. We have already taken No- *March.* tice, that he pass'd the *Neckar* at *Ladenbourg* on the 3d. The 6th the Army broke up from *Ladenbourg*, and marching to *Lauffen* on the *Neckar*, pass'd that River again, and encamp'd at *Mondelsheim* the 9th. The 10th in the Morning an Adjutant-General came to acquaint the Duke, that Prince *Eugene* of *Savoy*, with Count *Wratisslau*, were on the Road to the Camp, intending to dine with his Grace, and about Three in the Afternoon his Highness came to his Grace's Quarters at *Mondelsheim*, where he was received with all the Marks of Honour due to his Rank and Quality. He was several Hours in Conference with his Grace, and marched with the Army the 11th. The 12th in the Morning the Troops being drawn out in Order of Battle, his Grace accompanied Prince *Eugene* to the Review of them, and his Highness was surprized to find them in so good a Condition after so long a March. The 13th in the Morning, the Duke being informed by Count *Wratisslau*, that Prince *Lewis* of *Baden* was coming Post to meet his Grace, sent Colonel *Codogan* with a Compliment to his Highness, whom he found at *Esslingen* with Prince *Lobkowitz*, his Nephew, and conducted them to Great *Heppach*, where a Conference was held that Evening, wherein it was resolved, that the Troops commanded by his Grace should join the Army on the *Danube* for some Days, and that Prince *Lewis* and his Grace should each have his Day of Command alternatively, while they should be together. The 14th in the Morning the Troops march'd from Great *Heppach*, where his Grace staid to entertain Prince *Lewis* and Prince *Eugene* of *Savoy* at Dinner; after which the former return'd to his Army on the

June.

the Danube, Prince Eugene went Post for *Philipsbourg*, to command the Army on the *Rhine*, and his Grace joined his Troops in the Evening at *Ebenpach*. On the 22d he joined Prince Lewis of *Baden* at *Westerstetten*. The 24th the Army marched from thence to *Elchingen*, and the 25th to *Gingen*. The 27th the *English* Foot and Artillery, under the Command of General *Churchil*, who had been joined in their March by a Battalion of the King of *Prussia's* Forces, arrived in the Camp at *Gingen*; so that all the Forces the Duke of *Marlborough* expected had joined him, except the *Danish* Horse, which were detach'd after him from the *Netherlands*. The 30th the Army march'd from *Gingen* to *Landthausen* on the Right, and *Balmertschoffen* on the Left. They pass'd so near the Enemies Camp, that Lieutenant General *Bulan* was sent out the Night before with a Detachment of 2000 Horse and Dragoons to secure the Avenues by which they might have disturbed the March of the Allies, but they did not think fit to make the least Motion. On the 1st Instant they continued their

July.

March in Sight of the Entrenchments of the Enemy at *Dillingen*, and encamped the Right at *Amerdighen*, and the Left at *Onderingen*. The Elector of *Bavaria* judging by the March, that our Generals intended to attack *Donawert*, made a Detachment of his best Troops to reinforce Count *d'Arco*, posted near that Place at *Schellenbergh*, where he had cast up great Entrenchments, and had some Thousands of Pioneers employ'd for several Days to perfect those Works, which covered *Donawert*; but, notwithstanding the same, and the Number of Troops which defended them, the Duke of *Marlborough* resolved to attack the Enemy, and the necessary Orders were given to the Army. The 2d his Grace advanced accordingly at Three in the Morning, with a Detachment of 600 Foot, and Thirty Squadrons of *English* and *Dutch*, besides Three Battalions of Imperial Granadiers, and the rest of the Army follow'd with all possible Diligence; but the Way being very bad and long, that Detachment could not come to the River *Wernitz* or *Wermitz*, which runs by *Donawert*, till about Noon, and it was Three of the Clock before they could get over that River with their Artillery. The Duke ha-

ving

Battle of  
*Schellen-  
bergh.*

ving passed the same at the Head of the Cavalry, view'd the Entrenchments, and made the necessary Dispositions for the Attack, and in the mean time the Artillery began to thunder against the Enemies, who answer'd briskly from their Batteries, and made them judge by their Dispositions that the Action would be very hot. These Preparations being over, the *English* and *Dutch* begun the Attack with an unparallel'd Intrepidity before the *Imperialists* came up, and met with a vigorous Defence; but after an Engagement of about an Hour and Half, when the *Imperialists* arrived, the Entrenchments were forced, and our Men made a terrible Slaughter of the Enemy. Lieutenant-General *Goor*, who commanded the first Detachment of Foot, was killed, as was also Major-General *Beinheim*, both in the *Dutch* Service, and were very much lamented. The Horse and Dragoons shared the Glory of the Day with the Infantry, and the first Detachment of the same was commanded by Lieutenant-General *Lumley*, and Lieutenant-General *Hompesch*. All the Confederate Troops that engaged behaved themselves with a great deal of Bravery; but as the Attack was begun by a Battalion of the *English* Foot-Guards, and the Regiments of *Orkney* and *Ingolsby*, they suffered much. The Forces of the Enemy consisted, as was told us, of Two Battalions of Guards of the Elector, One of Granadiers, Thirteen other *Bavarian* Battalions, Five *French*, Four Regiments of Cuirassiers, making 32000 Men, and Three Squadrons of Dragoons, all choice Troops, commanded in Chief by Count *d'Arco*, and under him by Two *Bavarian*, and Two *French* Lieutenant-Generals. As soon as our Men had possess'd the Entrenchments, the Enemy ran away in great Confusion to *Donawert* and the *Danube*, but being closely pursued by the Horse and Dragoons, a great part followed the Example of their Generals, who flung themselves into that River, and swum over the same. The Loss of the Enemy was then computed to be about 6000 Men, but this was still uncertain. We took 16 Pieces of Cannon, and 13 Colours or Standards. The Duke of *Marlborough* gain'd great Honour in that Action, having given his Orders with an extraordinary Presence of Mind, and exposed his Person to

July.

the greatest Danger. Prince *Lewis* of *Baden*, who likewise performed the Part of a brave experienced General, was wounded, as was also the Hereditary Prince of *Hesse Cassel*, who gave signal Proofs of his great Courage on this Occasion. The brave Count *Stirum* was mortally wounded. General *Thungen*, Count *Horn*, Lieutenant-General *Wood*, Major-General *Paland*, and several other Officers of Note, were also wounded. *Donawert* next Day was the Reward of the Victory. The *Bavarian* Garrison quitted the same upon the Approach of the Confederates, and broke down the Bridges, but had not Time to destroy their Ammunition and Provisions, as they were order'd to do, and had already filled the Houses with Straw to burn the Place. The Elector of *Bavaria* hearing of the Defeat of his Troops, repass'd the *Danube* with the utmost Precipitation, and moved towards the *Lech*.

Notwithstanding this Account seems to be pretty exact, we shall insert here some Letters, as being more Authentick, and containing several Particulars that are very considerable. The first was written by my Lord Duke to the States-General, immediately after the Battle. The second by Lieutenant-General *Hompesch*, of the same Date; and the third by his Grace after the Taking of *Donawert*.

High and Mighty Lords,

Duke of  
Murl-  
borough's  
Letter to  
States a-  
bout the  
Battle of  
Schellen-  
bergh.

3.

‘UPON our Arrival at *Onderingen*, on *Tuesday*, I understood, that the Elector of *Bavaria* had detached the best of his Foot to guard the Post of *Schellenbergh*, where he had been casting up Intrenchments for some Days, because it was of great Importance; therefore I resolv'd to attack him there, and march'd Yesterday Morning by Three a Clock at the Head of a Detachment of 6000 Foot, and Thirty Squadrons of our Troops, and Three Battalions of Imperial Granadiers; whereupon the Army begun their March to follow us, but the Way being very long and bad, we could not get to the River *Wernitz* till about Noon, and 'twas full Three a Clock before we could lay Bridges for our Troops and Cannon; so that all Things being ready, we attack'd them about Six in the Evening; the Attack

‘lasted



‘lasted a full Hour, the Enemies defended themselves very vigorously, and were very strongly entrench’d; but at last were oblig’d to retire by the Valour of our Men, and the good God has given us a complete Victory.

‘We have taken Fifteen Pieces of Cannon, with all their Tents and Baggage. The Count d’Arco, and the other Generals that commanded them, were oblig’d to save themselves by swimming over the *Danube*. I heartily wish your High Mightinesses good Success from this happy Beginning, which is so glorious for the Arms of the Allies, and from which I hope, by the Assistance of Heaven, we may reap many Advantages. We have lost very many brave Officers, and we cannot enough bewail the Loss of the Sieurs *Goor* and *Beinheim*, who were kill’d in this Action. The Prince of *Baden* and General *Thungen* are slightly wounded. Count *Stirum* has received a Wound cross his Body, but ’tis hop’d he will recover. The Hereditary Prince of *Hesse Cassel*, Count *Horn*, Lieutenant-General, and the Major-Generals *Wood* and *Pallands*, are also wounded. I can at present give your High Mightinesses no more Particulars, but will not fail to do it the first Opportunity.

‘A little before the Attack begun, the Baron of *Moltenburgh*, Adjutant-General to Prince *Eugene*, was sent to me by his Highness, with Advice that the Marshals of *Villeroy* and *Tallard* were march’d to *Strasburg*, having promised a great Reinforcement to the Elector of *Bawaria* by way of the *Black Forest*; and I have Advice by another Hand, that they design’d to send him Fifty Battalions and Sixty Squadrons of their best Troops. Since I was Witness how much the Sieur *Mortagne* distinguished himself in this whole Action, I could not omit doing him the Justice to recommend him to your High Mightinesses, to make up to him the Loss of his General; wherefore I have pitch’d upon him to bring this to your High Mightinesses, and to inform you of the Particulars. I remain, &c.

*Ubermargen, July 3.*

*The Duke of Marlborough.*

July.

The Detachment abovesaid was supported by Fifteen Battalions of the Left, and as many of the Right Wing.

Lieutenant-General *Hompesch's* Letter to the States-General from *Ubermargen*, was to this Effect:

My Lords,

General  
*Hompesch*  
his Letter  
to the  
States.

I Can't but send my Adjutant to your High Mightinesses with this Letter, and that he may also give an Account by Word of Mouth of the Victory obtained Yesterday, thro' God's Blessing, over the Enemy near *Donawert*, because he was with me during the Action. Our Army marched Yesterday from *Hemerdingen*, which lies Six Leagues from *Donawert*, and having marched 2 or 3 Days together successively, we could not clear our Way, or get ready Bridges; but the Duke of *Marlborough*, with wonderful Expedition and Diligence, had taken Care for that; so that we found all Things ready when we came to the River *Werntz*, and passed it Yesterday near *Ubermargen*; the Horse and Dragoons marched over by a Wooden Bridge, a Ford, and the Pontons that were on our Van; the Duke of *Marlborough* ordered likewise some Bridges to be made for the Foot, who marched over with all Diligence; 32 Squadrons of Horse marched over on the Van, with the Lord Duke of *Marlborough* at their Head, accompany'd by the Hereditary Prince of *Hesse-Cassel*, Lieutenant-General *Lumley*, and my self, General *Bosau*, the English General *Wood*, the Prince of *Homburgh*, and the Counts of *Erbach* and *Schuylenburgh*. The Foot, consisting of 5850 detach'd Men, were by the Duke of *Marlborough's* Order commanded by Lieutenant-General *Goor*, and Lieutenant-General *Horn*, with the Major-Generals *Wit-ters*, *Luyck*, *Palland* and *Beinheim*, were order'd to support them with part of the Army. As soon as the Horse pass'd the River, the Duke of *Marlborough* view'd the Enemies Entrenchments as near as he could, and when the Foot pass'd, he prepar'd to attack them. The first Detachment of Foot was led by the Lieutenant General *Goor*, and the next by Lieutenant-General *Horn* to support him,

ac-



'according to the Duke of *Marlborough's* Order: Then  
 'follow'd the 32 Squadrons to support both. The At-  
 'tack was begun by the *English* and *Dutch* Foot. The  
 'Enemies Intrenchments were bounded on one Side  
 'by a Wood, and on the other by the Town; the  
 'Cannon play'd on both Sides an Hour before the  
 'Attack; which began on our Side, before the *Im-*  
 '*perialists* came up, that no Time might be lost. And  
 'thus we attack'd, and the Enemy defended with  
 'great Vigour a long time before the *Germans* came  
 'on, which they did with all the Speed they could,  
 'and in very good Order, under the Prince of *Baden*.  
 'So that after an obstinate Battle of above an Hour  
 'and an Half, we master'd their Intrenchments against  
 'the Evening, the Dragoons appointed to sustain the  
 'Foot were next the Van: There the Hereditary  
 'Prince of *Hesse-Cassel* continued during the greatest  
 'Fire, till he was wounded in the Breast. Lieutenant-  
 'General *Lumly* and my self commanded the Horse.  
 'We have lost Lieutenant-General *Goor*, the Prince  
 'of *Homburgh*, the Count *Van Erbach*, and *Schulem-*  
 '*bourg*, and Major-General *Beinheim*. There is  
 'wounded of the Foot Lieutenant-General *Horn* in  
 'the Leg, Major-General *Palland* in the Belly, but  
 'without Danger, Brigadier *Tobias* through the Belly.  
 'There's wounded of the Horse, the Prince of *Hesse-*  
 '*Cassel*, General *Wood*, the Count *Van Erbach* had one  
 'Horse killed and another wounded. I had a Horse  
 'wounded; the Prince of *Saxony*, a Brigadier, is  
 'wounded in the Arm; and Brigadier *Bedmar*. Of  
 'the *Imperialists*, the Prince of *Baden* is wounded in  
 'the Foot. I saw him in the Enemies Camp after the  
 'Action was over; he complained to me that the  
 'Wound was painful, but said, there was no great  
 'Danger in it. His Horse is also wounded. Count  
 '*Scirum* is shot through the Body, and in Danger.  
 'Marshal *Thungen* is wounded in the Hand, and  
 'Prince *Alexander* of *Wirtemberg* in the Leg; the  
 'Prince of *Beveren*, a Major-General, was killed,  
 '1000 dangerously wounded, besides those that are  
 'slightly wounded. The Duke of *Marlborough*, du-  
 'ring the Action, gave all Orders with as much Rea-  
 'diness, Sweetness of Temper, Judgment and Presence  
 'of Mind, as it was possible for any Man to do; and  
 'the

July.

the Prince of *Baden* on his Part did all that was possible for a Great and Brave General; so that great Commendation and Honour is due to them both. I am, &c.

R. V. Baron van *Hompesch*.

The Duke of *Marlborough's* Second Letter to the States, affording some further Light into this Action, take it as follows :

*Marlborough's* second Letter.

4.

High and Mighty Lords,

THOUGH I had the Honour to write to you Yesterday by Monsieur *Mortagne*, to inform you of the Victory which God has pleased to give us over the Enemy the 2d Instant; yet I judge it well worth the while to send another Express to acquaint you with the Fruits of our Success. As soon as the Elector of *Bavaria* had Intelligence of the Misfortune of his Troops, he quitted his Camp between *Dillingen* and *Lauingen*, and last Night appeared over against this Place on the other side of the *Danube* bending his march toward the *Lech*, fearing to be cut off from his own Country : We have advice that part of his Troops have already passed that River, as the rest certainly will as soon as we have passed the *Danube*, which I hope to do to Morrow, our Men being now hard at work in laying Bridges over it.

Yesterday Morning the Elector sent Order to the Garrison of this place to set the Town on Fire, as also to burn the Bridges and the Magazines, and to retire : Pursuant to which Order, they put Straw into all the Houses ; but seeing us advance into the Suburbs, and fall to work to lay Bridges to pass over into the Town, they durst not stay to execute their Design, for fear of being cut off. The Burgers found Means to save their Houses ; the Garrison only burnt the Bridges and some of the Magazines, and retired early this Morning with great precipitation. We took Possession of the Town, and found in it a Magazine of Powder and Three Pieces of Cannon, 2000 Sacks of Meal, a great Quantity of Oats, which will serve in part to store the Magazines which we Design to make here for the subsistence of our Army : And I am now of Opinion the

French



'French will find it difficult to join the Elector of Bavaria with the Reinforcement they design him.

'The Prisoners we have taken report, that there were on the Schellenberg Sixteen Battalions of Bavarians and Five of French; some say Nine and others Fifteen Squadrons; all of their best Troops; the greatest part of which were either kill'd, drown'd, or taken.

'Our Soldiers had also the Luck to find the Count d'Arco's Plate in his Camp.

'I assure your High Mightinesses, we shall be careful to make the best advantage we can of this Success, to press the Elector as hard as possible, notwithstanding he has the Lech before him; and to lose no time to bring him to reason. I am with all Respect, Your High Mightinesses humble and Obedient Servant.

Donawert, July 4. 1704.

Sign'd,

The Duke of Marlborough.

Besides what has been already said in these Letters, and otherwise concerning the Fight at Schellenburg, we have these further Particulars. That the English and Dutch began the Attack on the Left half an Hour before the Imperialists could come up to fall on the Right; whence it happen'd that the English and Dutch had the greatest part of the Enemies Forces to deal with, and tho' they pushed on very vigorously, were once forced to give Ground a little, but recovered it, and after a very obstinate Dispute broke into the Enemy's Intrenchments. Mean time the Imperialists advanced to the Works without Firing a shot, threw their Fascines into the Ditch, and passed over with very little Loss, most of the Enemy's Forces being employed in another Place. The Enemy's Horse charged them but were repulsed, and then the Imperial Horse entering into their Intrenchments, and the English and Dutch breaking in much about the same time, a terrible Slaughter was made of the Enemy. It rained all the Time the Action lasted.

Having gone thus far, here follows a List of the English, slain and wounded in this Action.

## F O O T.

July.

A List of  
the Eng-  
lish slain  
and  
wounded  
at Schel-  
lenberg.

Of the Foot-Guards. Lieut. Col. *Blunt*, Capt. *Raleigh*, Capt. *West*, Quarter-Master *Bibey* kill'd. Lieut. Col. *Primrose*, Lieut. Col. *Farrers*, Capt. *Adams*, Capt. *Pocock*, Ensign *Smith*, Enf. *Pearson*, Enf. *Rich*, Enf. *Denys Pujolas*, wounded. Serjeants kill'd 7. wounded 8. Centinels kill'd 75. wounded 127.

Of General *Churchil's* Regiment. Enf. *Harrison*, Enf. *Caldicut*, kill'd. Centinels kill'd 3. wounded 37.

Of the E. of *Orkney's* 1st. Battalion of *Scotch* Royal Guards. Capt. *Will. Murray*, Enf. *Mac Dugal*, Enf. *Mac Ilroy*, kill'd Col. *White*, Major *Cockburn*, Capt. *Hume*, Capt. *Irwin*, Capt. *Brown*, Lieut. *Kid*, Lieut. *Balentine*, Enf. *Stratton*, Enf. *Cunningham*, Enf. *Stuart*, wounded. Serjeants, kill'd 1. wounded 3. Centinels, kill'd, 38. wounded 103.

Of the Earl of *Orkney's* 2d. Battalion. Capt. *Baily*, Lieut. *Levingston*, kill'd. Major *Kerr*, Capt. *Carr*, Lieut. *Pearson*, Lieut. *Moor*, Lieut. *Vernel*, Lieut. *Hay*, Lieut. *Dickson*, Lieut. *Hamilton*, Enf. *White*, Enf. *Mac Queen*, Enf. *Mac Onway*, Enf. *Moreniere*, Enf. *Elliot*, Enf. *Inglis*, Enf. *Moor*, wounded. Serjeants, kill'd 1. wounded 12. Centinels, kill'd 76. wounded 184.

Of the Lord *North* and *Grey's* Regiment, Capt. *Cron*, kill'd, Serjeants, wounded, 3. Centinels, kill'd 13. wounded 36.

Of Brigadier *Web's* Regiment, Enf. *Savage*, kill'd. Enf. *Bazier*, Enf. *Mason*, wounded. Serjeants, wounded, 2. Centinels, kill'd 5. wounded 31.

Of the Earl of *Derby's* Regiment. Major *Mordaunt*, Enf. *Charleton*, kill'd. Lieut. Col. *Hamiton*, Capt. *Cogblan*, Enf. *Key*, wounded. Serjeants, kill'd 1. wounded 1. Centinels, kill'd 19. wounded 34.

Of Brigadier *Hamilton's* Regiment. Capt. *Leas*, Enf. *Gillman*, Enf. *Walsh*, Enf. *Pensant*, wounded. Serjeants, kill'd 1. wounded 3. Centinels kill'd 11. wounded 32.

Of Brigadier *How's* Regiment. Capt. *Bolton*, Capt. *Lesley*, Lieut. *Morris*, wounded. Serjeants, kill'd 1. wounded 3. Centinels, kill'd 9. wounded 19.



Of Brigadier Row's Regiment. Capt. *Kyree*, Lieut. *Johnston*, Lieut. *Jo. Campbell*, wounded. No Account of the private Men of this Regiment, kill'd or wounded.

Of Brigadier *Ferguson's* Regiment. Capt. *Lawson*, Lieut. *Seaton*, wounded, Serjeants kill'd 1. wounded 3. Centinels, kill'd 18. wounded 57.

Of Lieut. Gen. *Ingoldsby's* Regiment. Capt. *Harman*, Capt. *Ogilvy*, Lieut. *Frazer*, Lieut. *Agan*, Lieut. *Price*, kill'd. Col. *Sabin*, Lieut. Col. *Jones*, Major *Ingoldsby*, Capt. *Eyme*, Lieut. *Feverau*, Lieut. *Carrick*, Lieut. *Richards*, Lieut. *Cadroy*, Lieut. *Piggot*, Lieut. *Aldy*, Lieut. *Jones*, wounded. Serjeants, kill'd 6. wounded 6. Centinels, kill'd 60. wounded 156.

Of the Duke of *Marlborough's* Regiment. Capt. *Powel*, kill'd. Capt. *Baily*, Lieut. *Stapleton*, Lieut. *Walley*, Lieut. *Gardiner*, wounded. Serjeants, kill'd 1. Centinels, kill'd 28. wounded 44.

Of Col. *Meredith's* Regiment. Lieut. *Cornwall*, Lieut. *Boukam*, Enf. *Billing*, Enf. *Jackson*, kill'd. Col. *Meridith*, Lieut. *Cairns*, Lieut. *Neale*, Lieut. *Biron*, Lieut. *Southerby*, Enf. *Welsh*, Enf. *Onslow*, Enf. *Wood*, Enf. *Ogilvy*, Enf. *Kent*, wounded. Serjeants, kill'd 1. wounded 3. Centinels, kill'd 18. wounded 57.

## D R A G O O N S.

Of the Lord *Hay's* Regiment. Capt. *Douglas*, kill'd. Capt. *Young*, Lieut. *Mallary*, wounded. Private Men, kill'd 7. wounded 17.

Of Brigadier *Ross's* Regiment, Major *Cadwell*, Cornet *Hamilton*, wounded. Private Men kill'd 4. wounded 19.

## H O R S E.

Of the Five Regiments of Horse. Capt. *Carrington*, Adjutant *Skelton*, kill'd. Lieut. Gen. *Wood*, Col. *Palmer*, Major *Napper*, Lieut. *Tettefoll*, Lieut. *Kyrl*, Cornet *Charles Lawes*, Cornet *Ward*, Cornet *Clark*, wounded. Private Men, kill'd 13. wounded 53.

Total of Officers, Kill'd 29. Wounded 85

Of Serjeants and Private Men, Kill'd 407. Wounded 1031.

The

July.

French  
Account  
of the  
Fight at  
Schellen-  
berg.

The Enemy did all they could to lessen this brave Action, alledging, that their Intrenchments were not near finished, and by no means would allow the Duke of Marlborough the Honour of it, adding, the Confederates at the Third Attack could not force their Intrenchments. But that, However the Count d'Arco seeing his Troops fatigued with a Fight of Three Hours, and that they might be burned in, judged it proper to retire to *Donauert*; which he did in very good Order, without losing any Colours or Standards, leaving behind him only Eight Pieces of Cannon which he caused to be nailed because he could not carry them off. That the French and Bavarian Troops fought with extraordinary Intrepidity. That the Count d'Arco General, Major General Lee, who commanded the French Troops, and all the General Officers and Subalterns, gave equal Proof of their Conduct and Courage. That the Lieutenant Colonel of the Regiment of *Bearn*, some Captains and other Officers, and at most 1500 Soldiers were kill'd or wounded: And as for the Enemies, that they own'd themselves they lost 6000 Men; And so many of their General Officers were kill'd or wounded that there were very few Examples of the like in one Action. That it was believed they lost 400 Subaltern Officers, and a great Number of Men then they owned, besides the Wounded: But that it was difficult to get a true Account, because they took great care to conceal their Loss.

This is fine palliating Work: But to let the Reader have a little more of it, take the following Letter of the Count d'Arco to his Master the Elector of *Bavaria* about the same Action.

*Illustrious S I R,*

D'Arco's  
Letter to  
the El. of  
*Bavaria.*

2,

I Arrived here Yesterday, according to your Highness's Command, and found the Intrenchment far from being compleated, and likewise too large to be defended by 7000 Men; therefore I was oblig'd to send to your Highness for more Troops, which came too late, because of the great Rain and bad Ways. This Morning I set the Pioneers and Soldiers at Work, and came by break of Day with Three of the King's Engineers, who undertook it, to-



how it went on. Three Days were little enough to have finished them; but in the forenoon we were hindered by the approach of the Enemy, of whom I had not the least notice, till they were discovered from a neighbouring Eminence, marching, as I thought, to *Donawert*. This made me forward the Work with more diligence, and about Four in the Afternoon the Enemy came so near, that I perceiv'd they designed an Attack: Upon which I drew up my Men in order of Battle, with the help of Count *Monasterolle*, who continued with me the whole Day, and did all that could be expected from a faithful and brave Officer. I placed Fourteen of your Highnesses Battalions in the Front of the 1st. and 2d Lines, and Four *French* Regiments and Six Battalions on the Right and Left, and posted my Horse and Dragoons on the Right, because that was the best Ground. Then I began to Fire with my great Guns on the Front of the Enemy's Foot, which advanced nearer and nearer in Six Lines, supported by many Squadrons of their Horse in the Rear, besides others extending to the Hill. The Enemy marched first to the Wood on the Right, thinking to break thro' there, and then to attack the Intrenchments on all Sides, but finding it impracticable to break through the Wood, they marched again to the Corner of the Line in the View of the City, and there fell on with great Fire from the *English* Battalions, and abundance of Cannon on their Right.

Your Highness's Troops and Granadiers were posted in the Mouth of the Attack, and after their Fire, fell twice out upon the Enemy with their Bayonets in their Pieces, and made great Slaughter. The Enemy found such gallant Resistance, that all their first Ranks were killed, but speedily supplied by others; and your Highness's Troops returned to their Trenches with as much Courage as they went out of them. The Fire encreased on both Sides, and as often as the Enemies Battalions came on, they were repulsed, and many of them were killed by the great Fire from our Trenches, so that in Two Hours time they gained no Ground upon us, and seemed inclinable to retire, without our suspecting in

July. 'in the least the following Rencontre that hap-  
pen'd.

'I sent Three Battalions of the King's Troops, and  
'one of your Highness's to the Town, with Orders to  
'the Commanding Officer there to post them in the  
'Cover'd Way, where it joined the Intrenchment,  
'from whence they might have made such Fire,  
'that we should have been well enough covered on  
'the Left, where we had only Three weak Battalions;  
'but my Command was not obeyed, and the Enemy  
'being aware of this, broke into the Intrenchments  
'before I had Notice of it, so that I came thither too late  
'with my Two Squadrons of Dragoons; there was  
'left me nothing then to do but to think of retiring,  
'to prevent my being encompassed. Your High-  
'nesses Troops endeavoured to escape by the *Danube*  
'Bridge, and the Gate of the Town next to the *Dau-*  
'*be*; but the Bridge was, to our great Misfortune,  
'broke down by the Croud, and the Gate was kept  
'shut by the Governor's Command a long Time,  
'though I desired it might be opened, and sent him  
'notice that I was upon the Left with the retiring  
'Troops. A Regiment of Dragoons coming thither  
'on Foot, made a brave Resistance, and kept the En-  
'emy off till the rest retired with Conveniency.

'Those on the Right being too far from the Town,  
'and knowing the Bridge was broke, retired toward  
'the Wood of *Neuburg*, their Commanders shewing as  
'much Gallantry in the Retreat as they had done in  
'the Fight, and retired without loss, though the En-  
'emy pursued them to the first Wood, but finding  
'they could not overtake them, returned to their  
'Body, so that I don't believe that in this Action  
'(wherein the Foot suffered most, and the Enemy has  
'had a great loss,) there fell above 1500 of the King's  
'Troops and your Electoral Highnesses, and about  
'4000 were wounded, most of whom are escaped to  
'the City: But the greatest Loss, and which I can  
'never enough bewail, is, that of the great Number  
'of Officers of both Nations. One Letter is not e-  
'nough to contain the Praises of those that deserve it:  
'But I assure your Electoral Highness, that not one  
'Officer or Soldier failed of what could be wished or  
'expected from them on this Occasion, and particu-  
'larly

Early the Regiment of *Bearn*, and the Battalion of *Nivernois*, who did all that was possible in the Battle, and retired thro' the Town with Bayonets in their Pieces, tho' the Enemy was on their Flank. They were led by the Marquess *Montandre*, who gave great Proofs of his Conduct and Courage. This is, Illustrious Sir, the true and exact Relation that I thought my self obliged to send my gracious Master.

The News of the Forcing of the Intrenchments of the *Bavarians* near *Donawert* occasion'd great Joy at *Vienna*, and the Emperor being informed by his own Generals and Ministers, that the Success of that Action was chiefly owing to the Duke of *Marlborough*, he wrote the following Letter to him, insinuating his Intention to make him a Prince of the Empire.

*Illustrious, sincerely Beloved,*

YOUR Deserts towards me, my House, and the Common Cause are great and many, and the singular Application, Care and Diligence which you have shewn in bringing up and hastening the powerful Succours, which the most Serene and Potent Queen of *Great Britain*, and the States-General of the *United Netherlands* have sent me to the *Danube*, are not to be rank'd in the last Place; but nothing can be more glorious than what you have done after the Conjunction of your Army with mine, in the most speedy and vigorous Attack and Forcing of the Enemy's Camp near *Donawert* the 2d of this Month, since my Generals themselves and Ministers declare, that the Success of that Enterprize (which is more acceptable and advantageous to me at this present Time, than almost any thing else that could befall me) is chiefly owing to your Counsel, Prudence and Execution, and the wonderful Bravery and Constancy of the Troops that fought under your Command.

Emperor's  
Letter to  
the Duke  
of *Marl-*  
*borough*.  
12.

Therefore altho' the Testimony of those Great Men, and Fame it self, the Rewarder of noble Actions, do highly and justly extol your Name, I, who reap the Advantage which this Victory brings to the Common Cause, have thought my self obliged to honour and illustrate the Glory you have gain'd,

July.

by the Testimony of my Letter, and to assure you, that I shall lose no Opportunity to shew you by Effects, how grateful and well inclined I am towards you. Mean time, that you carry on with the same Alacrity and Industry what you have so valiantly and vigorously begun, and that, in Conjunction with the Margrave of *Baden*, my Lieutenant-General, and other Commanders of my Troops, you use your utmost Endeavours and Force, that the End may answer this Beginning, and that the War, which the *Bavarian* has seditiously raised in the Bowels of *Germany*, may be brought to a most speedy Conclusion, is not what I do so much exhort you to, as I assuredly expect; for you cannot but be fully satisfied, that there is the highest Glory and Honour therein, and that this will be an eternal Trophy to your most Serene Queen in the Upper *Germany*, where the victorious Arms of the *English* Nation were never seen in the Memory of Man. I pray God to bless with a prosperous Success your Counsels and Enterprizes, and I confirm to you again and again the most favourable Inclination and Affection of my Mind towards you.

Given in my City of Vienna, July 12. 1704.

Then at the same time the Duke received this Letter, Count *Wratisslau* acquainted his Grace, That the Emperor desired he would accept of the Honour intended him of the Title and Dignity of a Prince of the Empire; whereupon his Grace pray'd the Count to represent to the Emperor, That he was extremely sensible of his Imperial Majesty's Goodness towards him, beyond any thing he could deserve, but that his Ambition was entirely bounded in the Queen's Grace and Favour, whose abundant Kindness had been already extended towards him beyond whatever he could have aim'd at, and that he must refer himself wholly to Her Majesty's good Pleasure. Hereupon, the 23d, Monsieur *Hoffman*, the Emperor's Resident, at a private Audience of Her Majesty at *Windfor*, delivered to Her a Letter, all written with his Imperial Majesty's own Hand, wherein, after Congratulation for the Victory won over the *French* and *Bavarians* near *Donawert*, ascribed in a great



measure to the Valour of the *English* Troops, and the Courage and Conduct of Her Majesty's General, the Duke of *Marlborough*, His Imperial Majesty desired the Queen to lay Her Commands on my Lord *Marlborough* to accept a Testimony of his Imperial Majesty's Acknowledgment of his Services, since the Duke himself, when his Imperial Majesty's Minister intimated to him his Master's Intention, made some Difficulty to admit it. The Emperor's Resident accompanied this Letter with a short Speech, to acquaint Her Majesty, That he had express Orders from his Master, earnestly to press with all Respect, That Her Majesty would be pleased to require his Grace to make no further Scruple therein. But I do not find there has been any thing since done in it, the Queen, it's like, not approving of it.

But to return again to the Army, they passed the *Danube* on the 5th, near *Donawert*, and on the 7th the Count *de Frise*, with a Detachment of 4000 Men, and Twelve Pieces of Cannon, marched over the *Lech*, and took Post in the Country of *Bavaria*. The whole Army marched at the same time, and encamped with the Right at *Hamler*, and the Left at *Ginderkingen* near the River. Upon the first Notice of the Allies having begun to pass the *Lech*, the Garrison of *Neuburg* marched out, and retired to *Ingolstadt*; and a Detachment of Dragoons was immediately sent out by the Duke of *Marlborough* to take Possession of that Place, and Prince *Lewis* of *Baden* ordered General *Herberville*, who commanded a separate Body of between 3 and 4000 Men on the other Side of the *Danube*, to remain there for the Security of a Place of so great Importance for drawing Provisions for the Subsistence of the Troops out of *Franconia*, while the Army should continue in *Bavaria*. The 10th the whole Army passed the *Lech*. The 12th the Count *de Vehlen*, General of the Palatine Horse, arrived from Prince *Eugene* of *Savoy*, with an Account that the Marshals *Villeroy* and *Tallard* had pass'd the *Rhine* above Fort *Kehl*, and that they gave out their Design was to march to the Succour of the Elector of *Bavaria*. Prince *Eugene* thereupon desired a Reinforcement of Horse, accordingly Thirty Squadrons were order'd that Night to march, under the Command of

July.

Prince Maximilian of Hanover, to enable him the better to observe the Enemy's Motions.

Rain taken.  
16.

In the mean time, the necessary Dispositions, being made for the Attacking *Rain* the 14th, 27 Pieces of Cannon began to play upon it. The Garrison appeared resolv'd to defend the Place to the last Extremity; but despairing of Relief, and seeing the Besiegers prepare to give a general Assault, they beat a Parley the 16th in the Morning, and offered to surrender, which they were allowed to do on the following Terms, *viz.* That the Governour (Brigadier *Mercy*) Officers and Regular Troops should march out with the usual Marks of Honour, and Ammunition for Twelve Discharges, as also with their Baggage; but without Cannon or any more Ammunition; and that the Militia Forces should march out without Arms, on Condition never again to bear Arms against the Emperor and his Allies. That the Horse and Dragoons should leave their Horses behind them. That all the Prisoners of War of the Allies should be left behind, and also all Deserters. And, Lastly, That the Governour, and those that marched out with him, should be conducted safe to the Elector's Camp. Accordingly they marched out the 17th, in Number about 400 Men. 24 Pieces of Cannon were found in the Place, with a great Quantity of Corn, and some Ammunition.

On the 22d the Confederates possess'd themselves of *Friburg*, and the Elector of *Bavaria* continuing obstinately to refuse coming to any Terms of Accommodation with the Allies, the Count *de la Tour*, General of the Imperial Horse, with the Count *de Oest Frise*, Lieutenant-General in the States Service, were sent out the 29th in the Morning, with a Detachment of Thirty Squadrons of Horse and Dragoons to burn and destroy the Country towards *Munich*, to deprive the Enemy of any Subsistence; and the same was executed, after a terrible Manner, while the Elector of *Bavaria* and the Mareschal *de Marfin*, having evacuated *Ratisbonne*, were forced to keep close within their strong Camp and vast Intrenchments at *Amburg*, in Expectation of another Army from *France*, under the Mareschal *de Tallard*, which, notwithstanding all

the Vigilance and Precaution of Prince *Eugene*, arrived before the End of this Month near *Ulm*, though the Mareschal had for some Days amused himself in vain with the Siege of *Villingen*.

July.

We have already spoke of the Departure of the Two Deputies of the Malecontents from *Vienna* to *Hungary* with the Emperor's Declaration upon the several Heads of the Grievances they had laid before him on the Part of the Malecontents, and being arrived at *Papa* the Beginning of this Month, General *Forgatz*, and Count *Caroli*, with others of the Chief of the Malecontents, repaired thither, as did the Count *de Lamberg* on the Part of the Emperor, and also the Archbishop of *Colocz*, in Quality of Mediator; and by the aforesaid Two Deputies, the Elector Palatine, the Emperor, and the King of the *Romans* sent the following Letters to the Archbishop of *Colocz*.

THE Contents of the Representation and Demands made by the Two Deputies, who came hither from your Lordship, were such as we did not expect; but were some of them drawn up in such a Form, and of such Importance, that had the same been proposed by a King to another King his Equal, the latter would have scrupled to have returned any Answer to them, before some Amendments were made to them. But the usual Tenderness of your most illustrious Lord and most gracious Sovereign for all Men, and especially for his Subjects, and his Desire to re-establish Peace as soon as possible in his beloved *Hungary*, have prevailed in your Favour. And though we were almost ashamed to be urgent with him in such a Case, yet we took more Pains than could be desired of us, to induce the Emperor to pass over all Obstacles, and vouchsafe to open his Royal Mind to your Deputies. We doubt not but they will satisfy you of this, and sufficiently make known the Emperor's Intentions; and that you will perceive, that nothing more nor better can be offered at this Juncture; and therefore that the same deserves to be thankfully accepted by all such *Hungarians* as would be esteem'd Christians and reasonable Men. We hope it will be accepted accordingly, and earnestly beseech the Divine Good-

El. Palatine's Letter to the Archbishop of *Colocz*.

July.

‘ nefs, that the Foundations of a Treaty being (as  
 ‘ we trust) so happily laid, it may be carried on and  
 ‘ concluded to the Satisfaction of the Imperial House  
 ‘ and of its Subjects and that the Commotions of  
 ‘ Hungary may be quieted. We likewise intreat your  
 ‘ Lordship to put a helping Hand to so good a Work,  
 ‘ and not to defer sending us (who having till now  
 ‘ delay’d our Return to our Dominions, can put off  
 ‘ our Journey no longer) an Answer to our Letter of  
 ‘ the 4th of June, before our Departure. We recom-  
 ‘ mend your Lordship to the Protection of the Al-  
 ‘ mighty, and remain, &c.

Vienna, June 19.

That of the Emperor ran thus :

Leopold, &c.

Empe-  
 ror’s Let-  
 ter to the  
 same Per-  
 son.

‘ THE Two Deputies return to you with my An-  
 ‘ swer, which is very ample, though more than  
 ‘ one Reason might have induced me to refuse, or at  
 ‘ least retard it, till such turbulent Subjects, who ra-  
 ‘ vage their Native Country, and my other Hereditary  
 ‘ Provinces, had shewn by Actions, as well as by  
 ‘ Words, a more sincere Desire of Peace.

‘ However, out of a Fatherly Affection for the  
 ‘ Hungarian Nation, a Desire to re-establish Union  
 ‘ without Delay, and to prevent greater Evils, I  
 ‘ have thought fit to pass over many Things. The  
 ‘ most Serene King of the Romans, my dearest Son,  
 ‘ and the Elector Palatine, solicited this Affair with-  
 ‘ out ceasing, and have promised me a happy Issue of  
 ‘ it. I assure my self, that you will likewise labour  
 ‘ to bring it to that Issue, and I expect your Answer  
 ‘ thereupon as soon as is possible. I will give neces-  
 ‘ sary Orders for the rest, assuring you of my Impe-  
 ‘ rial Favour, of which I give you fresh Proofs  
 ‘ daily.

Vienna, June 21.

The Third was from the King of the Romans, to  
 this Effect :



I Felt no little Disturbance when I was inform'd what the Malecontents of *Hungary* have done and said; so that seeing Affairs continue to go ill, I durst hardly open my Lips to the Emperor my Lord and Father, to desire him once more to grant them his Pardon: But the Hereditary Piety and Clemency of his Imperial Majesty embolden'd me, as did also the good Offices of the Elector Palatine. My sincere Affection for the *Hungarian* Nation, has not only moved me, but even constrain'd me, to use all Endeavours to bring this Affair to a happy Conclusion, as your Two Deputies will more amply inform you. I promise my self that the *Hungarians* will not render my Services uselefs, at least that you will endeavour to prevent their doing so, and that you will rather do all that lies in your Power, that Peace being settled I may come into the Kingdom of *Hungary* alone, or with his Imperial Majesty, to reside there some time, which I would very gladly do. I should have done it long since, would the Circumstances of my Affairs have permitted me. I shall not be wanting on my Part to contribute as much as is possible to the Welfare of the Kingdom, and the Happiness of the People, on which depends my own. In the mean time, I assure you of my Royal Protection.

*Viena, June 21.*

We shall leave the *Hungarian* Malecontents to pause upon these Letters, and the Cessation of Hostility to continue in that Kingdom, and post now to *Italy*. We have already recounted how the *Germans* were trick'd out of most part of their Acquisitions in that Country; and now we are to observe, that the Senate of *Venice* met several times about the Proceedings of the *French* in *Lombardy*; but the Grand-Prior of *France* designing to streighten more and more the *Imperialists* in the *Mantuan*, caused some Troops to advance to *Sanguinetto*, and summon'd the *Venetian* Governour to surrender that little Town and Castle. The Governour answered, That he could not do it without Order of the Republick, and that notwithstanding he knew the Place was not in a Posture of Defence, and

July.  
K. of the  
Romans  
his Letter

*July.* that he had but few Men therein, the Republick being in Peace with her Neighbours, he was resolv'd to defend that Post to the last Extremity. During this Parley, the *French* drew near the Barriers, and on a sudden rush'd out upon the *Venetians*, killed several Soldiers, and took the Town and Castle. The Senate having Notice thereof, ordered General *Molino* to require the Grand Prior to quit that Place; but the *French* General return'd the following Answer to the *Venetian* Officer, who was sent to him with that Message, *I cannot do it, said he, because the Service of the King my Master requires that I keep this Post. Whenever we shall have Occasion to secure any other, we shall do it. Tell Monsieur Molino, that he may acquaint the Senate with it.* This rough Answer was very unacceptable to the Senate, who sent Orders to their Minister at *Paris* to complain of it. Thus the *French* became Masters of all the Conquests of the *Imperialists* in *Italy*, except *Mirandola*.

In the mean time, the Garrison of *Vercelli* (which we told you before, was besieged by the D. of *Vendosme* on the 14th of *June* (made a valiant Resistance, and disputed every Inch of Ground with him; but on the 20th Instant were necessitated to beat a Parley, and desired to capitulate; but the Duke of *Vendosme*, who was very well inform'd of the Impossibility the Duke of *Savoy* was under to relieve that Place, signified to the Governour, That he had no other Terms to grant him, than to surrender Prisoners of War. The Garrison had much ado to submit to these hard Terms, and pretended, That having so bravely defended that Place, they deserved a more honourable Capitulation. They sent several Messages to the Duke of *Vendosme*, but that Prince being inflexible, and the Garrison considering that they could not defend a Breach through which Forty Men could march a-breast, sent the following Articles to the Duke of *Vendosme*, which were accepted, with the Exceptions therein mention'd :

Articles  
of the Sur-  
rendry of  
*Vercelli*.

## I.

That the Garrison shall march out through the Breach with their Arms, and other Marks of Honour, but that as soon as they come to the Cover'd Way, they

they shall lay down their Arms, and surrender Prisoners of War. *Granted.*

July.



II.

That the Officers shall keep their Arms and Servants. *Granted.*

III.

That the Troops of the said Garrison shall be conducted into good Quarters, where they shall not be abused, and will be Prisoners upon their Parole. *Granted as to the Officers, the Soldiers shall be well used according to the usual Custom.*

IV.

That the General Officers, and the Governour, and other Commanders in the Place, shall have the Liberty to go whenever they shall think fit upon their Parole. *Granted, provided they go into our own Places, where they shall continue upon their Parole.*

V.

That there shall be furnish'd to the said Officers, wherewith to carry their Baggages with Safety, without any Trouble upon any Pretence whatsoever, and that what they and their Soldiers carry away shall not be searched. *Granted.*

VI.

That the Officers shall keep their own Horses, and shall be provided with what Number of Mules they shall have occasion for. *Granted.*

VII.

That the Officers and Soldiers who shall be left sick, shall be looked after in the same Manner as those of the Army, and sent to such Places that shall be assign'd them, as soon as they are recovered. *Granted, and they shall be looked after in the same Manner as our own.*

VIII.

That the Troops shall not be ill used upon any Subject, neither in their going out nor in their March. *Granted.*

IX.

The Officers who shall remain sick in the Place, shall be in the same upon their Parole, till they be able to march to such Place that shall be prescribed to them. *Granted.*

X.

## X.

*July.* The French Deserters shall be delivered, upon Condition they shall not be punish'd. *Granted, except those who deserted during the Siege.*

## XI.

That the Inhabitants of the Place shall enjoy their Privileges, and shall be us'd after the same Manner as they were under his Royal Highness's Obedience.

## XII.

That the Revenue of the Town shall be claim'd but from the Day of the Surrendring, and that the said Town shall not be subject to any Plundering nor Vexations.

## XIII.

'Tis desired of his Highness to give Leave to some Officers to remain in the Place, and that they shall not intice away the Imperial Troops. *Done and granted on both Sides, July 21<sup>st</sup>, 1704. at Four of the Clock in the Morning.* Subscribed, *Lewis of Vendosme*, the Count de de Prael Doria, *Sanctus Berne*, the Chevalier *Fucheto*, *Sandamian*, *Deshayes*, the Count *Gabriel d'Esse*, Lieutenant-Colonel.

The Garrison march'd out accordingly the 24<sup>th</sup> through the Breach, to the Number of 2700 Foot, and 500 Horse, and were made Prisoners of War in the Manner express'd in the Capitulation. The Duke of Savoy made several Motions during that long Siege, to attempt to relieve the Place, but all the Posts in the Neighbourhood were so well secur'd, that it was judg'd impracticable to attack them.

Things are so uncertain concerning some Attempts made about this Time by the Duke de la Feuillade in the Valleys of *Pragelas* and *Perouse*, that we shall pass them over; and if now we look into *Switzerland*, there the General Dyet of the Cantons met at *Baden* on the 7<sup>th</sup> and the Foreign Ministers repaired thither according to Custom. The Marquess *Beretti Landi*, Ambassador of *Spain*, us'd all imaginable Artifices to be owned by that Assembly for Ambassador of *Spain*, but the Protestant Cantons refused the same. The Roman Catholicks, who upon all Occasions discover their Partiality for *France*, did not neglect this Opportunity, to shew their Inclination, and admitted that

*Swiss Dy-*  
*et meet.*

7.

Mini-



July.

Minister. The Dyet renewed their Instances to the French Ambassador for the Neutrality of the Dutchy of Savoy; but that Minister declared, that he had nothing further to offer them, than what he had already declared; and that seeing the Minister of the Duke of Savoy insisted no longer on that Neutrality, as it appeared by his Memorials of the 17th, and 29th. of May, it was requisite that he the said Marquess of Puisseux should know the Intention of his Royal Highness the Duke of Savoy, that he might acquaint therewith his most Christian Majesty. The Cantons communicated that Answer to Monsieur de la Mollaredé by way of Letter the 16th. whereupon that Minister wrote a long Letter to the Dyet, but the same containing no Matter of Fact, that may conduce to the Illustrating of History, we shall not insert it here, and besides it is but a Repetition of what he had told them over and over again in other Terms, of the Designs of France against all the States of Europe, and their Republick in particular; of the Necessity they were under, both in Point of Honour and Interest, to assist his Master, and in short, that France having no other Aim than to amuse them under the specious Pretence of Negotiations and to trifle with them, as she had done hitherto, it was in vain to rely any more upon those fruitless Measures. That Minister was so well perswaded of what he told them, that he declined to enter inot any Negotiations. The Marquess of Puisseux thought it his Duty to answer the Reasons alledged by the Minister of Savoy, and on the 25th. presented a Memorial in his usual Stile, of great and empty Words, void of Sence, and full of Rhodomontado's, concluding, that the Neutrality of the Chablais and Faucignis, which he had offered them before, together with the solemn Assurance given them on the Part of his Master, that he would not reunite the Dutchy of Savoy to his Crown, upon the Conclusion of the Peace, ought to remove all their Jealousies. This did not satisfie the Cantons of Bern and Friburg, but after several Conferences, the Dyet broke up the 29th. without coming to any Resolution on that important Point of the Neutrality of Savoy, for which Monsieur de la Mollaredé had so much labour'd in vain.

July.

Fleet at-  
tack Gi-  
braltar.  
23.

It cannot now be expected, we should amuse our selves with seeing the Fireworks, and other great Re-joicing made in *France* for the Birth of the Duke of *Bretagne*, but we'll see what our Fleet has been doing all this while on the Coast of *Spain*; being the 17th of this Instant about Seven Leagues to the Eastward of *Tetuan*, a Council of War was held on Board the *Royal Katherine*, wherein it was resolved to make a sudden Attempt upon *Gibraltar*; and accordingly the Fleet sailed thither; and the 21st got into that Bay, and at Three in the Afternoon, the Marines *English* and *Dutch*, to the Number of 1800, with the Prince of *Hesse* at the Head of them, were put on Shore on the Neck of Land to the Northward of the Town, to cut off any Communication with the Country. His Highness having posted his Men there, sent a Summons to the Governour to Surrender the Place for the Service of his Catholick Majesty, which he rejecting with great Obstinacy, the Admiral on the 22d in the Morning gave Orders, That the Ships which had been appointed to Cannonade the Town under the Command of Rear Admiral *Bing* and Rear Admiral *Vanderdussen*, as also those which were to batter the South-Mole-Head, commanded by Captain *Hicks* of the *Yarmouth*, should range themselves accordingly but the Wind blowing contrary, they could not possibly get into their Places till the Day was spent: In the mean time, to Amuse the Enemy, Captain *Whitaker* was sent in with some Boats, who burnt a *French* Privateer of Twelve Guns at the Old Mole. The 23d, soon after break of Day, the Ships being all placed, the Admiral gave the Signal for Beginning of the Cannonade, which was performed with very great Fury, above 15000 Shot being made in Five or Six Hours Time against the Town, insomuch that the Enemy were soon beat from their Guns, especially at the South-Mole-Head; whereupon the Admiral, considering, that by gaining that Fortification they should of consequence reduce the Town, ordered Captain *Whitaker* with all the Boats armed, to endeavour to possess himself it it, which was performed with great Expedition; but Captain *Hicks*, and Captain *Fumper*, who lay next the Mole, had putht on Shore with their Pinnaces, and some other Boats, before the rest could come

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Distances by Sea in English Miles  
 From Lisbon to Gibraltar 358.  
 From Lagos to Gibraltar 205.  
 From Cadix to Gibraltar 65.  
 From Gibraltar to Tetuan 42.  
 From Gibraltar to Malaga 72.



**A New and Exact Map of the City and Bay of GIBRALTAR in Spain Taken by S<sup>r</sup> G. ROOKE Vice-Admiral of England The 24 of July 1704 . By H.M.**

English Miles

Page 364.



The Bay is very fair and almost like a Haven landlockt for a West wind; but a South west wind bloweth right in, a South wind comes from y<sup>e</sup> top of y<sup>e</sup> Mountain of Gibraltar. to Anchor in this Bay you must sail so far in that y<sup>e</sup> innermost Point of Gibraltar bears about East from you, then you will have 5 or 6 fathom Clear ground y<sup>e</sup> Ebbing and Flowing is about 3 or 4 foot. in sailing with an Easterly wind from y<sup>e</sup> Road of Gibraltar. you should bear up toward y<sup>e</sup> West shore; for tis scarce possible you can get out of y<sup>e</sup> Bay along y<sup>e</sup> high land because y<sup>e</sup> Easterly winds full with such whirlings from the Hills of Gibraltar.

Sold by I. Natt.

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come up; whereupon the Enemy sprung a Mine, that blew up the Fortifications upon the Mole, killed Two Lieutenants and about Forty Men, and wounded about Sixty: However our Men kept possession of the great Platform, which they had made themselves Masters of; and Captain *Whitaker* landing with the rest of the Seamen, which had been ordered upon this Service, they advanced and took a Redoubt or small Bastion, half way between the Mole and the Town, and possessed themselves of many of the Enemies Cannon. The Admiral then sent in a Letter to the Governour, and at the same Time a Message to the Prince of *Hesse*, to send him a peremptory Summons, which his Highness did accordingly; And on the 24th in the Morning, the Governor desiring to Capitulate, Hostages were Exchanged, and the Capitulation being concluded, the Prince marched into the Town in the Evening, and took Possession of the Land, and North-Mole-Gates, and the Outworks. The Articles were in Substance as follow.

## I.

That the Garrison, Officers and Soldiers, may depart with their necessary Arms and Baggage; and the Officers and other Gentlemen of the Town, may also carry their Horses with them; They may likewise have what Boats they shall have occasion for.

Articles  
of Sur-  
rendry.  
24-

## II.

That they may take out of the Garrison Three Pieces of Brass Cannon of different Weight, with Twelve Charges of Powder and Ball.

## III.

That they may take Provisions of Bread, Wine, and Flesh, for Six Days march.

## VI.

That none of the Officers Baggage be searcht, altho' it be carried out in Chests or Trunks; That the Garrison depart in Three Days, and such of their Necessaries as they cannot carry out with convenience, may remain in the Garrison, and be afterwards sent for; and that they shall have the Liberty to make use of some Carts.

V. That

## V.

July.

That such Inhabitants and Soldiers, and Officers of the Town, as are willing to remain there, shall have the same Privilege they enjoy'd in the Time of *Charles II.* and their Religion and Tribunals shall remain untouched, upon Condition, That they take an Oath of Fidelity to King *Charles III.* as their Lawful King and Master.

## VI.

That they shall discover all their Magazines of Powder, and other Ammunition, or Provisions and Arms that may be in the City.

## VII.

That all the *French* and Subjects of the *French* King are Excluded from any part of these Capitulations, and all their Effects shall remain at our Disposal, and their Persons Prisoners of War.

This Town was extremely strong, and had 100 Guns mounted, all facing the Sea, and the Two narrow Passages to the Land, and was well supplied with Ammunition. The Officers who view'd the Fortifications affirm'd There never was such an Attack as the Seamen made, for that Fifty Men might have defended those Works against Thousands.

As for the *Spanish* and *Portuguese* Armies; now the Heat of the Weather obliged both to quit the Field, and the *Spaniards* not thinking themselves safe in the Places they were possessed of on the *Portuguese* Frontier, they almost all retired into the *Spanish* Territories. But to inform the Reader, of the more particular State of our Affairs in those parts, take the following Letter, written by an able and honest Officer in my Lord *Raby's* Regiment of Dragoons, from the Camp at *Abrantes*, the 6th.

A Letter  
from *Portugal*.

6.

'HAD I had more good News to send you, you had heard from me oftner; but finding Things go worse than I wish'd, I was willing you should have it from other Hands rather than mine. The Enemy is at length obliged by the Heats, and want of Provisions, Money, and Shooes, to quit the Field. You have heard of the Loss of Four of our Battalions, and the Truth is, we were posted in such a Man-

July.

Manner that they might have picked up more, if they had known how, or had dar'd to push their good Fortune. The Reason was, they acted in a Body, and we were so divided into several Parts of the Country, that we could not possibly join to make Head against them, for they advanced into the middle of the Country and made great advantage of their Bridge on the *Tagus*, whereas we had none on that River. Had we been all in a Body, we should have been stronger than they; and from the Disposition of their Soldiers we had Ground to promise our selves good Success; for there deserted to us, only on this side the *Tagus*, 15 or 20 Men a Day, *Irish*, *Flemings*, or *Germans*; who assured us the Desertion from among the *French* was greater; tho' few of that Nation came to us; 'tis probable they either stole back into *France*, or were knocked on the Head by the Country People. My Lord *Raby's* Regiment of Dragoons is here with Monsieur *Fagel*, or, has under him between 4 and 5000 Men. The Duke of *Schomberg* is at *Eremos* with Six Regiments of *English* Foot and some *Portuguese*. The Marquess *das Minas* is at *Pennamacor* with 12 or 14000 Men; and we that are commanded by Monsieur *Fagel* are to march and join him. [They did so afterwards.] Our Affairs would soon look with a better Face were we in one Body, and under the absolute Command of one General, and had we Bridges over the *Tagus*, and sufficient Magazines.

Having been so long absent from our Native Country, we find upon our Return, that the Parliament on the 4th met at *Westminster*, and was further Prorogued till the 19th of *October*, that on the 6th a Chapter of the most noble Order of the Garter was held at *St. James's*. Her Majesty Sovereign of the Order, and Twelve Knights Companions, being present, when the Right Honourable *Sydney*, Lord *Godolphin*, Lord High Treasurer of *England*, was Elected into the said Order, and having been first Introduced into the Chapter, and Knighted by the Sovereign with the Sword of State, was Invested with the Garter and George, the Two Principal Ensigns of the Order, with the usual Ceremonies. That the Earl of *Galway*,

L. Treasurer  
made Kt.  
of the  
Garter.  
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July.

General and Commander in Chief of Her Majesty's Forces in Portugal, sail'd from Spit-Head for Lisbon the 22d Instant, in the Tartar Man of War: And that the Queen about this Time was pleased to appoint the Marquess of Miremont Lieutenant-General of Her Forces, and Commander in Chief of the Forces that should be rais'd by Her Majesty, or Her Allies, in Piedmont, and other adjacent Countries.

In the mean while, the Parliament of Scotland on the 6th. met at Edinburg, and Her Majesty's Commission to the Right Honourable the Marquess of Tweedale for representing Her Royal Person in this Session of Parliament was read by the Lord Clerk-Register, and ordered to be recorded. The 11th they met again, and Her Majesty's gracious Letter was presented by his Grace the Lord High-Commissioner, which follows in this manner:

## ANNE R.

*My Lords and Gentlemen,*

Queen's  
Letter to  
the Scotch  
Parliament.

Nothing has troubled Us more since Our Accession to the Crowns of these Realms, than the unsettled State of Affairs in that Our ancient Kingdom.

We hoped, that the Foundations of the Differences and Animosities that, to Our great Regret, We discover'd among you, did not lie so deep, but that by the Methods We have proceeded in, they might have been removed.

But, instead of Success in Our Endeavours, the Rent is become wide; nay, Divisions have proceeded to such a Height, as to prove Matter of Encouragement to Our Enemies beyond Sea, to employ their Emissaries among you, in order to debauch Our good Subjects from their Allegiance, and to render that Our ancient Kingdom a Scene of Blood and Disorder, meerly (as they speak) to make you serve for a Diversion.

But We are willing to hope, that none of Our Subjects, but such as were obnoxious to the Laws for their Crimes, or Men of low and desperate Fortunes, or that are otherwise inconsiderable, have given ear to such pernicious Contrivances. And We have



' have no Reason to doubt of the Assurances given Us  
' by those now entrusted with Our Authority, that  
' they will use their utmost Endeavours to convince  
' Our People of the Advantages and Necessity of  
' the present Measures; for We have always been in-  
' clined to believe, That the late Mistake did not pro-  
' ceed from any Want of Duty and Respect to Us, but  
' only from different Opinions as to Measures of Go-  
' vernment.

' This being the Case, We are resolved, for the  
' full Contentment and Satisfaction of Our People, to  
' grant whatever can in reason be Demanded, for re-  
' ctifying of Abuses, and quieting the Minds of all Our  
' good Subjects.

' In order to this, We have named the Marquess of  
Tweddale Our Commissioner, he being a Person of  
' whose Capacity and Probity, or Qualifications and  
' Dispositions to serve Us and the Country, neither  
' We nor you can have any doubt. And We have  
' fully empowered him to give you unquestionable  
' Proofs of Our Resolution to maintain the Govern-  
' ment both in Church and State, as by Law Esta-  
' blished, in that Our Kingdom; and to consent to  
' such Laws as shall be found wanting for the further  
' Security of both, and preventing all Encroachments  
' on the same for the future.

' Thus, having done our Part, We are perswaded  
' that you will not fail to do yours, but will lay hold  
' on this Opportunity, to shew to the World the Sin-  
' cerity of the Professions made to Us, and that it was  
' the true Love of your Country, and the Sense of  
' your Duty to it, and therefore not the want of Duty  
' to Us, for We shall always reckon these Two incoh-  
' sistent, that was at the Bottom of the late Misunder-  
' standings.

' The main Thing that we recommend to you,  
' and which We recommend to you with all the Ear-  
' nestness We are capable of, is, The Settling the  
' Succession in the Protestant Line, as that which is  
' absolutely necessary for your own Peace and Happi-  
' ness, as well as Our Quiet and Security in all Our  
' Dominions, and for the Reputation of Our Affairs  
' Abroad; and consequently for the Strengthening the  
' Protestant Interest every where.

July.

‘ This has been Our fixed Judgment and Resolution ever since We came to the Crown; and though hitherto Opportunities have not answer’d Our Intention, Matters are now come to that Pass, by the undoubted Evidence of the Designs of Our Enemies, that a longer Delay of Settling the Succession in the Protestant Line, may have very dangerous Consequences; and a Disappointment of it would infallibly make that Our Kingdom the Seat of War, and expose it to Devastation and Ruine.

‘ As to Terms and Conditions of Government, with Regard to the Succession, We have empower’d Our Commissioner to give the Royal Assent to what ever can in Reason be demanded, and is in Our Power to grant, for securing the Sovereignty and Liberties of that Our ancient Kingdom.

‘ We are now in a War, which makes it necessary to provide for the Defence of the Kingdom, the Time of the Funds that were lately given for Maintenance of the Land-Forces being expired, and the said Funds exhausted, Provision ought also to be made for supplying the Magazines with Arms and Ammunition, and repairing the Forts and Castles, and for the Charge of the Frigats, that prove so useful for guarding the Coasts.

‘ We earnestly recommend to you whatever may contribute to the Advancement of true Piety, and the Discouragement of Vice and Immorality; and We doubt not but you will take Care to encourage Trade, and to improve the Product and Manufactories of the Nation: In all which, and every thing else that can be for the Good and Happiness of Our People, you shall have Our hearty and ready Concurrence. We shall only add, That Unanimity and Moderation in all your Proceedings will be of great Use for bringing to a happy Issue the important Affairs that We have laid before you, and will also be most acceptable to Us: So We bid you heartily Farewel.

*Given at Our Court at Windsor-Castle, the 25th Day of June, 1704. And of Our Reign the Third Year.*

*Sic Subscribitur,*

By Her Majesty’s Command,  
AL. WEDDERBURN.  
This

This done, Her Majesty's High-Commissioner, the Right Honourable the Earl of *Seafield*, Lord High-Chancellor, and the Right Honourable the Earl of *Cromarty*, Principal Secretary of State, made the following Speeches.

*My Lords and Gentlemen,*

**YOU** have heard the Queen's gracious Letter; High-Commissioner's Speech.  
Her Majesty therein expresses such a Concern for the Good and Welfare of this Nation, and gives such unquestionable Proofs of it, as prevents even your Wishes. I do not in the least doubt, but when you duly consider the Import of this Letter, you will be all of the same Mind with me, that it is now in our Power to make our selves and our Posterity happy.

Such, indeed, are Her Majesty's gracious Condescensions, that in order to obtain what is for our Good, we need only propose it, provided you do it, as no doubt you will, with the Regard and Deference that are due to so gracious a Sovereign, and that in your Demands you keep within just and reasonable Bounds, and ask nothing but what is in Her Majesty's Power to grant.

If there be any thing yet wanting for the better securing our Religion, and the present Church Government, as now by Law establish'd; or for the suppressing of Vice, and encouraging of Vertue; if any Grievances to be redress'd, and new Laws found necessary, as I doubt not but there will, for rectifying of Abuses, crept into your Constitution, or Administration of the Government, or any Part of it, whether it be in Policy or Justice, or for removing all Encroachments upon the Sovereignty, or Liberties of the Nation, and the securing and preserving these entire and inviolable to our selves and our Posterity; I am fully empower'd and entrusted, not only in all these Matters, to give you what reasonable Satisfaction you can demand; but likewise in any thing that may be proposed, for improving of Learning, the Advancement of Trade, and encouraging Manufactories: So that in Effect nothing hath escaped Her Majesty's Care, that can any ways contribute to make you a flourishing and happy

July.

py People, She reckoning the Welfare, Peace and Prosperity of Her Subjects, the only Way to Her own Greatness and Happiness.

And yet, as if all this were too little, Her Majesty extends Her Care for you further, in recommending to you, as you have heard, the Settling the Succession in the Protestant Line; and this Her Majesty recommends to you with all the Earnestness She is capable of, as that which is absolutely necessary for securing to your selves, and transmitting to your Posterity, your Religion and Liberties, or whatever else you have, or can have, that is valuable. Sure Her Majesty can have no Concern in this, but the Interest of Her People, which does so evidently require the Settling of the Succession, and the Settling of it at this time, that, I hope, no true Protestant, and Lover of his Country, will, when he hath seriously thought on it, find just Ground to oppose it.

Her Majesty having thus done Her Part, and in a manner so good and generous, and evidently disinterested, it remains that we fail not to do ours, by letting go this great Opportunity (which if now lost, may possibly never be recover'd) to deliver this Nation from the Inconveniencies and Hardships that it hath lain under ever since the Union of the Crowns, and which of late have grown heavier upon it.

Her Majesty hath also recommended to you the Supplies that are wanting for the Purposes mentioned in Her Letter, which I need not repeat; for sure there are none here, who are not convinced of the Necessity of them, and who will not heartily concur in giving of them, notwithstanding the low Circumstances the Country is in at present; especially seeing Her Majesty allows you to enquire into the Misapplications of former Funds given and appropriated by Parliament, and to take such Course as may prevent the like for the future.

One Thing more I have to add, and that is concerning the Business of the Plot, of which so great Noise hath been made in our Neighbour Nation: Her Majesty hath allow'd me to acquaint you, That in due time the whole Matter shall be laid before you,



you, and that She hath given the necessary Orders for having both the Persons that have been examin'd in England, and the Papers that relate to that Affair sent hither. Her Majesty doubts not but your Enquiries into that Plot, or any other Practices of the like Nature, will end in your laying down solid Measures for preventing of them, or the fatal Consequences of them in time to come; and as to any Questions or Contest that may arise upon such Enquiries amongst you, Her Majesty hopes, That you will manage them with all the Temper and Moderation that the Nature of the Thing will allow.

*My Lords and Gentlemen,*

'I have spoke long, contrary to my Way and Inclination, and therefore I shall only add, in a Word, as to my self, That I am very sensible of my Unfitness for so great a Trust; but since such is Her Majesty's Pleasure, I'll do my best, and I shall esteem my self very happy, if I can any ways contribute to bring Matters to any Settlement in this Nation. It is a great Encouragement to me, I must own it, that the present Opportunity, in a manner, enables me to give at the same time the greatest Proofs that I can ever hope to give of my Duty to Her Majesty, my Love to my Country, and my Respect to Parliaments, in particular to this Honourable Meeting.

The Lord High-Commissioner having done, *James*, Earl of *Seafield*, Lord High Chancellor, took the Word, and spoke to this Effect:

*My Lords and Gentlemen,*

'YOU have heard Her Majesty's most gracious L. Chancellor's Letter, and what his Grace my Lord-Commissioner hath been pleased to add; which do fully lay before you the weighty and great Reasons for which Her Majesty hath been pleased to call you together at this time; and you must all be convinced, That the chief Design of Her Majesty's Government is to advance the Happiness and Welfare of Her People, and to protect them in the full Possession  
and

July.

and Enjoyment of their Religion and Civil Concerns.

‘ Her Majesty doth, with a very tender and affectionate Concern, lay before you the Danger of Divisions and Animosities ; and recommends to you, to employ your Thoughts for promoting what is for the Security and Advantage of the Kingdom : And you cannot but be sensible, that our Divisions must encourage our Enemies Abroad, to form Designs to disturb the Peace and Tranquility we now enjoy ; and therefore ye will, no doubt, make use of this Opportunity to convince all, That this Nation is fixed and firm in their Loyalty to Her Majesty, and that all Her good Subjects will constantly support Her Government.

‘ Her Majesty doth, with great Earnestness, recommend the Settling of the Succession to the Crown in the Protestant Line, as what would be the surest Foundation for the Security of your Religion and Liberties, and will contribute greatly to the Advancement of the Protestant Interest every where ; and this being of so great Consequence, it is not to be doubted, but that you will think this the fit Opportunity for taking it under your Consideration, while we have the Advantage of being convened in Peace under Her Majesty’s Protection, and can deliberately consider what is the most profitable Mean for the future to secure and preserve all that is valuable to us : And, for your further Encouragement, you have heard how Her Majesty hath given full Instructions to Her Commissioner to grant such Conditions of Government, with Regard to the Successor, as can reasonably be demanded, for securing of the Sovereignty and Liberties of this Kingdom ; so that nothing is wanting on Her Majesty’s Part that is necessary for the Establishment and Security of this Nation.

‘ You know that Her Majesty is engaged in a most just and necessary War, for the Defence of the Liberties of Europe, which makes it necessary that Supplies be given for maintaining the Forces, for repairing the Forts and Garrisons, for providing the Magazines with Arms and Ammunition, and for maintaining the Frigats, which have proven so useful

‘for the Guarding of your Trade: All these being so plainly needful, it is not to be doubted, but that you will readily comply therewith. It is to be regretted, that the Nation is in so low a Condition; but what we give is necessary for our own Defence, and will circulate within the Kingdom: And Her Majesty doth freely allow of taking Inspection of the Funds that have been given by Parliament, and appropriated for the Publick Use, and will take Care, that what shall be now given shall be duly applied.

Her Majesty hath given frequent Assurances of Her Resolution to maintain the establish’d Government of the Church, and hath recommended to you to fall upon effectual Means for discouraging of Vice and Immorality, and for encouraging true Piety and Religion, and providing for, and employing of the Poor.

‘The Trade of the Kingdom doth also deserve your serious Consideration; for the Advancement of which, and the Improvement of the Product and Manufactories of the Kingdom, Her Majesty gives you Assurance of Her ready Concurrence.

‘My Lord Commissioner has acquainted you, That the Plot, which has made so great a Noise here, and in our Neighbour Nation, shall be laid before you, with all its Evidences; and it is not to be doubted, but that you will take Care to do therein what is necessary for the Discouraging of bad Practices, which may tend to disturb the Peace and Quiet of this Kingdom; and in all your Proceedings in this Matter, that you will avoid Animosities, and make it your principal Care to provide for the publick Security and Peace.

*My Lords and Gentlemen,*

‘I shall conclude with recommending to you again the serious Consideration of what Her Majesty has so earnestly recommended; and that ye will improve this Opportunity, which God hath given you for securing to your selves, and transmitting to your Posterity your Religion and Liberties, which will certainly be for your Honour and Happiness,

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and will render you equally acceptable to Her Majesty, and to all Her Subjects.

Lastly, *George, Earl of Cromarty*, Lord Secretary, spoke to this Purpose :

*My Lord Chancellor,*

E. of Cromarty's  
Speech.

Albeit this Seat wherein it has pleased Her Majesty to place me, does allow, or rather oblige me to say something on this Occasion, yet my Lord High Commissioner and my Lord Chancellor have said so fully, and so well, as I fear what I can say will prove a Diminutive Adjection: But I shall speak little, and (if I can remember) I shall not repeat. My Lord, should all Her Servants be silent, the Actings, the Sayings, the whole Tract of Her Majesty's Government, and the happy Effects thereof do speak loudly, that if ever Prince or Sovereign have devoted themselves to God and their Country, without Flattery or Hyperbole, we may truly say, that our most gracious Queen hath: All may hear, and those who have the Honour to attend Her Majesty, must see, that Her Time, Her Care, Her Pleasure, Her Leasure, Her Treasure, yea, Her very Health and Life, are sacrificed every Day, and almost every Time of the Day, to actual Exercise of Devotion to God, or Administration of Government to Her People; and we may bless God, that by His Blessing on Her Endeavours, all and every one of Her Subjects do participate of the Fruits of the Royal Sacrifice: Nay, and all the best Part of Europe beside, that is Her Majesty's Confederates; and Her and their Enemies do find with Grief what we feel with Satisfaction: And tho' Her Majesty has many Dominions under Her Royal Care, and more Confederates; yet She omits not any of our particular Concerns, and we partake in our full Capacity of those happy Effects. We are, with many others, engaged in a great, but (so full Conviction) necessary War, the Effects whereof are dreadful and hurtful, not only in Expence and Soldiers (which all must afford) but the seeing our People slaughter'd like Beasts in our Streets and Houses, to see our Towns in Fire, our Women ravished, our



' sacred Things prophan'd, and many other dismal  
' Effects of War and Rapine, which almost all others  
' feel and see: We (Thanks to God, and under Him  
' to His Vicegerent our Queen) do only hear of these  
' Things: My Lord Chancellor, this we ought, and,  
' I doubt not, we do remember and consider. My  
' Lord, this is not offer'd as an Eulogy or Panegyrick  
' on Her Majesty; She is far above what I can  
' say, but it is an Antecedent to the following Sub-  
' sumption.

' And as this of Her Care of us, and Zeal for us,  
' is evident, so it is no less true, that the Queen sits  
' higher than we do, or ought to do, on this Throne,  
' as She does also on the Throne of Her other Do-  
' minions. And farther, we know, that She is one  
' of the Heads, and highly situate in all the great  
' Confederacy, whereof Her Majesty is, if not the  
' Chief, yet a Principal; and from this both Reason  
' and Discretion oblige us to conclude, that She must  
' see very much farther, and more clearly into the  
' Actions, Designs and Practices of Her and our En-  
' mies, in the Concerns, and in what directs and  
' moves our Allies, than it is possible for us to do,  
' who both stand lower, and are bounded in our nar-  
' rower Spheres: Therefore, as in all Matters, so e-  
' specially in Points of Fact, we are bound to rely  
' on Her Information and Her Judgment more than  
' our own, since what we can but conjecture, is obvi-  
' ous to Her certain Knowledge; and if we should  
' fall (as I confidently hope we will not) into the  
' Indiscretion, to oppose our Conjectures to Her  
' Knowledge, that could not miss of dire Effects, and  
' readily most mischievous to our selves.

' Her Majesty's Royal Letter, My Lord Commi-  
' sioner his Grace, and my Lord Chancellor have  
' plainly laid before us Matters of great Importance:  
' Her Majesty is very express in what She purposes;  
' Her Reason and Antecedent is as plain and express  
' as the Conclusion. I hope the Two Motives I gave  
' for believing, and consequently for obeying Her  
' Majesty, are also plain and concluding.

' My Lord Chancellor, the Honour of being Her  
' Majesty's Secretary, obliges me to obviate and re-  
' move an Aspersion on the Queen's Majesty's Candor  
' and

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and Honour (if any such Insinuation be made) which is that some would perswade others to believe, That the Queen has a secret Will in the Affair now before us, contrary to Her express Will revealed and declared by Her in Her Royal Letter. My Lord, I am perswaded She does hate that Position in Theology, and I am certain She does so in Her Politicks; and the Reason of my Certainty in this is, That Her Majesty did Command me, and I think Her other Servants, expressly to assure this House. That nothing in Her Service could please Her better, than if they should believe and obey Her in what She proposes in Her Letter, and nothing can displease Her more than to do otherways.

My Lords, both old Custom and good Manners oblige us to begin with Her Majesty's Letter, and in its Method; if my Zeal and Duty on this Subject have drawn me in to speak more than I intended, or perhaps needed, I beg the House's Pardon: But since my Hand is in, and that I neither use nor love to speak oft, I shall only add my earnest and humble Wish for these Two Things; 1. That the Orders of the House may be strictly observed; for by that much time will be saved, and many Inconveniencies prevented; and the not doing of this, will disgrace this Great Court. The Second is, That we may redargue one another with Kindness and Civility; let our Force fall on the Subject which we oppugn, or the Measure which we reject, and by no Means on one anothers Persons. Would to God we were always unanimous; but that seldom, if ever, was in so numerous a Court or Council: But when we differ, will we argue the better by our being angry? No, *Impedit Ita Animum*. Will we convert others so well, by making them angry, as by a meek Calmness in arguing? Does Spite add Force to Reason; or does it produce that Consent which we endeavour to obtain? So for our own sakes, and for the Honour of our Reasonings, let us urge and reply with Calmness. I have oft regretted to see good Reasoning lost, or at least ineffectual in great Measure, by the Heats in Arguing; and I will say it were a Pity; for the Members of great Courts elsewhere may, in the Opinion of many, speak better Language than these

these of this do ; yet they do not speak better Sense. And besides these Motives to calm Reasoning, this ought to determine us all against it, to wit, That neither our Heat, nor our Self-pleasing Arguments, are, what will determine any Debate. The Law of Order, the Constitutions, Statutes, and Necessity, gives the Faculty of Concluding to the whole of this House ; and all we can say must be submitted to what this whole House will approve, or to what the Major part will agree in : And therefore, much Reasoning, and all Heats, will, on many Accounts, be profitably forborn. I conclude with this Assertion, which I think evident without Discourse, That as the Union of *Britain* is apparently its greatest Politick Good ; so, as certainly, and by the infallible Rule of Contraries, a Division of *Britain* is its greatest Evil : And then, it is a necessary Corollary, Whoever is not for the Union of *Britain*, may be concluded an Enemy to it.

The 13th the Parliament met again, and the Duke of *Hamilton* made a Speech, desiring, that her Majesty's Letter might be considered, and likewise the Nomination of a Protestant Successor, but insisted at the same Time, that Commissioners might be named to treat previously with *England*. This Overture occasioned a Debate great the 17th. Upon which the Two following Speeches were made, in relation to the Settlement of the Succession of that Kingdom in the *Hanover* Line.

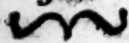
My Lord Chancellor,

WE have had a long Vacancy ; Nine Months have given us a new light, and have let us in to the Knowledge of Men and Things. The Act of Security was what we staid upon very long last Sessions : I was for it as much as any Man, but my mind as well as Judgment is altered, and I am now well assured I was in the Wrong. For if her Majesty could have passed it into a Law, it would have done Her nor us no Manner of Service, because it left the Sessions loose during her Majesty's life-time ; which Omission alone may undo her (whom God preserve) and us.

Speech in  
the Scotch  
Parliament  
about the  
*Hanover*  
Succession

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‘ We were not aware of the deep Designs of some who pretended only the good of the Kingdom, a specious Pretext to keep this Nation free, and as a by-Weight to throw into Ballance upon Occasion, for a help to sway with those of our Neighbours, who may be so wickedly and traiterously inclined, as to wish and Act for the Pretended Prince at *St. Germain*, I mean for *France*, against the rightful and lawful Title of Her Majesty, and the Succession of her *English* Crown, so well established by the Laws of that Kingdom. I hope, my Lord, the Wisdom of this House will take care to disappoint the Men of such pernicious and dangerous Designs. There have been, and are still *Achitophels*; but God hath turned their Counsels into Folly: A Trick will serve but for one turn amongst Men of common sense.

‘ We ought to be very thankful to God and the Queen, that Things have been set before our Eyes of late in a clear Light; and some amongst us ought to bless both, that they for their Contrivances were not brought within the Verge of the Law, and made an Example and Terror to others, that none may venture on the like wicked Practices against our Sovereign, and the Peace of her Government. These Mens Actions are known, and all their Words are carried by the Birds of the Air to her Majesty’s Ears.

‘ I beg leave, my Lord, to presume that there are few in this House but are well acquainted with the History of *Peter Warbeck* (*alias Perkin*) in our King *James IV*’s time. He was bred and nurs’d up with a Design to Dethrone *Henry VII.* by *Margaret* Dutchess of *Burgundy* and *Flanders*, as a fit Tool to satisfy her revengeful Temper; and tho’ she knew him to be only the Son of a poor Man at *Tournay*, she gave him the Name and Title of Duke of *Tork*, and true and lineal Heir of her deceased Brother *Edward*, late King of *England*. She equipt him, and gave him Ships, Men and Money, and sent him into *Ireland*, where a Rebellion was raised, as well as in *England*, by him and his Adherents: He fail’d in the Expedition. The *French* King, *Charles VIII.* found him a fit Instrument to serve a Turn for him also; wherefore he entertain’d him as the Prince of *England*, and

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'he with the Dutchess of Flanders equipt him out a Second time : But finding Difficulties, at last he came here to our K. James IV. The Story of this Knight Errant had justly given our King and Court Grounds to believe him a notorious Impostor. Upon this pretended Prince's Address to the King for some Aid, his Majesty wisely call'd his Council, and ask'd their Advice what to do on the Subject; Buchanan informs you, *Cum Sententia rogarentur, prudentiores & quibus major erat rerum usus, Rem integram respondentem censabant.*

'Here, my Lord, the old wise Men of Experience in Council were of Opinion, That it was not fit for his Majesty to receive or entertain this pretended Prince, who they wisely believ'd to be a Fourb, and who had given great Trouble to this Island, and was like to give much more.

'But when the Question came to the young Nobility of the Council, the same Author says, they were the Majority, and carried it in favour of Perkin : *At major pars, vel ob Pueritiam rerum, & animorum Inconstantiam, &c. fortunam hominis commiserabantur :* The young Counsellors, either for want of Experience, or for want of Steadiness of Mind, were more easily caught. They were more in Number, and had a Compassion for the young Stranger. They were told he was like the late K. Edward, his pretended Father, and the Family of York, tho' they never had seen any of them.

'Here the Cheat went on; he had the Entertainment of a Prince; he had a Wife out of one of our Noble Families, he had an Army raised in his Favour, and led into England by our young King, and after much Blood and Treasure spent on this pretended Prince, the Cheat was discovered; he was sent away out of our Country, and some time after had the Reward of Villany.

'My Lord, this Act of inconsiderate Hospitality to one who was but a Cheat, gave first Ground to the World abroad to call our Judgment into Question; and no Body will read the History, but will conclude, that our Predecessors were extremely imposed on, and that the Impostor might have caused the utter Ruin of their Liberties and Country.

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My Lord, the same Game is a playing now. Perhaps some have never read the History, and others have forgot it. No wonder, it happen'd 200 Years ago: But we cannot forget what happen'd Sixteen Years ago; when no Male Issue was like to succeed King James VII. one was to be found *vis & modis*, *per fas aut nefas*: One at last was said to be born at St. James's, June 1688. That Child died soon after, a Second was put in his place, and carried to and nurs'd up at Richmond; but God thought fit to kill that Second Child also.

Now, my Lord, this Pretended Prince of Wales is a Third Child, in whose Veins there is not a drop of Royal Blood.

Here is a new *Perkin* come into the World 200 Years after the first, who was sent to ruin England and Ireland, only to satisfy the violent Malice of a revengeful Woman.

This Second Pretended Prince is nurs'd up by Rome, France, and Armies of implacable revengeful Priests, who give him the Title of King.

For what? To the End that he may prove a more fit Instrument, upon any Occasion, to root out and totally destroy us and our Holy Religion, which they call Heresie.

Some of us, my Lords, are no wiser than our Predecessors in this point: We give the Priests and other Agents of France and Rome leave to pervert our Understanding; we take such Impressions as remain: Young Mens Minds are tender and soft, and retain the first Impressions long. Some of us have been in France not many Years ago, and have seen this Pretended Prince, and commend his Person and Paris, his Features, &c. and say he is very like the Royal Family; tho' some of us never saw one of them, except our own Queen.

Thus young Men, are very apt to be led out of the Way. I have known some by keeping bad Company did catch the French Disease; Modesty and Shame made them conceal it till it was too late, and then it cost them their Life. It is the Case at present with some of us here, who have got the French Inclinations, more dangerous in this Nation than the Disease, and will not own it till it is too late, and then

then it may cost them their Lives, their Estates, with the ruin of their Posterity. Whatever young Men may do, my Lords, for want of better Information, yet it is strange that Men of riper Age, Pretenders to Religion, to the Good and Interest of our Country, are said to be tainted with the same Inclination to have *France* rule over us; of which Men there is a mighty Jealousie: I will not believe them guilty, and at the same Time I cannot answer for them; but let their Works testify what they aim at: We all talk loud of Love for our Country and Religion, but I presume to say, that the love of Money and Self-Interest hath appeared more our Study than any thing else.

What bad Practices hath not her Majesty by her great care found out? The Contrivers may cover their Designs the best way they please; but, my Lord, whoever waits or inclines for the Bondage and cruel Oppressions we in this Nation are so lately delivered from, be who they will, are and may be found guilty of Crimes of a dangerous Consequence, and of a transcendent Nature, no less than the Subversion of the Government of this Kingdom, and the Alteration of the Protestant Religion; and this not upon a bare Information only; Her Majesty knows their Converse, and their Actions speak aloud to all about them.

Such Practices are an Enmity to all Goodness and good Men; it is from such Proceedings, that our Assembly is corrupted, and till this Fountain of Mischief is purged, we cannot expect to have any clear Channels; All here know what I mean.

These Crimes are various in their Natures, heinous in their Quality, and universal in their Extent. If we examine them, my Lord, Theologically, as they stand in Opposition to the Truth of God, they will be found to be against the Rules of Faith, against the Power of Godliness, and against the Means of Salvation.

If you examine them morally, as they stand in Opposition to the Light of Nature, to right Reason and the Principles of human Society, you'll then perceive Pride without any Moderation; such a Pride as that which exalts it self, &c. Malice with-  
our

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but any Provocation, Malice against Verue, against Innocency, against Piety; Injustice without any Means of Restitution, even such Injustices as does rob the Innocent of their just Right and unspotted Reputation.

If these Men, my Lord, who set up for the Pretended Prince of *Wales*, be examined by legal Rules in a Civil Way, as they stand in Opposition to the publick Good, and to the Laws of the Land already in Force; these Men, I say, may be found to be Traitors against Her Majesty's Crown, and Incendiaries against the Peace and Safety of this Kingdom; they may be found the highest, the boldest and the most impudent Offenders that ever were; Betrayers of the Queen and People, as well as of this Country and our Religion. If any one here is sensibly pinched, let him consider whether or no he is guilty; if he is, let him sin no more, lest a worse Thing befall him.

My Lord, I see many here may remember, if they please, the frequent Tragedies that were acted among us some Twenty Years ago. I am sure there are several of us, whose nearest Relations were sacrificed to the Despotick and Arbitrary Will, and to the revengeful Resentments of Popery and its Principles; it was then that the Orders to persecute, execute, to hang, draw and quarter, and to shed the best Blood of this Nation, without, nay, against any Law, were by a Prerogative Royal without Reserve.

I see some here were banish'd, and forced to wander in Exile, and beg Shelter from Foreign Princes, whose Families were dispersed and ruined, whose Estates were torn in Pieces, and given to Strangers, Men of another Communion. Can these melancholy Reflections be forgot so soon by our selves, who were the Martyrs? A Spirit of Delusion seems to cover the Eyes of our Understandings, till we fall a second Sacrifice to the same bloody Actors.

I speak for nor against no Party of Men; but, my Lord, it is high time for us to consider in cool Blood, how to barricado our selves against the Assaults of this Common Enemy, *France* and Popery; in order to which I have Two Things to move, which are

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‘That we may all here obey our Saviour’s new Commandment, Love one another, and often repeat that excellent Prayer taught us by that same blessed Saviour; by doing whereof we shall be brought to forgive one another, as we desire God to forgive us. This done, we shall be in better Circumstances to lay aside our Pride, our Passion, Covetousness, our vain Glory and unrelenting Revenge, which alone belongs to God Almighty to repay; and shall be in a Condition to serve our Sovereign, in obedience to her just Commands, our Country and People in their necessary Requests, and settle a Protestant Successor, while we have the Occasion and Power in our own Hands: Accidents may happen and put it out of our Way, ever to do it to our Advantage.

‘Wherefore I move, it may be considered and finished, before this House proceed to any other Business.

*My Lord Chancellor,*

‘I Second the noble Member that spoke last, in his Motion for settling the Succession, before the House proceeds to any other Business; but I do not pretend to give any Direction how the Matter shall be done, let the Wisdom of this Honourable House consider with mature Deliberation, what can preserve us from *Rome* and the *French King*; that her Majesty’s Royal Person and Crown may be secure from all Invasions abroad, and Disturbances at home.

Another Speech.

‘My Lord Chancellor, Her Majesty deserves all the Returns of Loyalty and Duty that are in our Power to make; I believe she hath given my Lord Commissioner such Instructions as may prove to our Advantage, if they are duly put in Execution. Complaints have been made by some, that they are not full for settling a Successor; I am morally sure, my Lord, the Complaint is ill grounded, which I hope his Grace will soon declare to this House, and satisfy all her good and loyal Subjects, how much she hath the Peace and Advantage of this her ancient Kingdom in her Thoughts.

‘As hath been well observed just now, last Sessions many of us were misled; I own my Mistake of Men and Things; we were going very fast into a Labyrinth; our Leaders misinformed us; the Nation

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now may see 'tis Interest ; Theoretical Schemes and Projects, which can never be brought to Practice, ought to be laid aside ; and create much Debate, spend much Time, and can never be of use. My Lord, with Submission, this Assembly ought to lay aside all frivolous Debates, that our Judgments may not be call'd in Question elsewhere.

I am for following the Advice just now mention'd : Let us forgive and love one another, let us join Hearts and Hands to keep out the known Enemy of our Religion. If that Deceiver or Breaker of sacred Vows and Treaties, made and sworn upon the Holy Gospel at the Altar, in the most solemn and most religious manner, shall by his Power and our mistaken Management, put upon us that Thing in the Air, called the Prince of Wales, of no Birth, of no Blood, sprung from whom is unknown to himself, as well as to us ; we must be ruined, my Lord, every Man here who enjoys his Estate, may easily know what he has to trust to ; we all know who must come with him, the same Men and Principles who destroy'd us Twenty Years ago. I humbly move, with Submission, that we may pass by all the mutual vexatious Animosities which were amongst us but lately ; all Parties have been to blame ; God will pardon the Penitent : The Queen oversees, and graciously forgives ; let us mutually do the same, and settle our Succession, and secure and help our selves, and God will help us : it will prove our own and the Peoples safety.

*Salus Populi suprema Lex esto.*

Let us follow the Example of our wise Neighbours and make such Laws as may tie up the Hands and terrifie the Hearts of our own deprav'd Subjects, who dare offer to act or speak in favour of any, in prejudice to her Majesty's lawful and rightful Title to her Crown and Dignity.

I am confident, my Lord, no Man here dares own his Inclinations to be for the French King or that Pretended Prince, whatever Prospect he may have of Titles, Honours or subordinate Power from him, who hath no Bowels of Compassion left, who con-

sumes

'sumes, his own Vitals, by persecuting and torment-  
'ing his own best Subjects, and spares neither Sex  
'nor Age in his neighbouring Country, even of his  
'own mistaken Religion, if they but refuse to be his  
'Slaves; witness his new Conquests in *Alsace* and  
'*Flanders*. What then are we to expect, who by that  
'Tyrant are accounted Hereticks?

'Whoever are so wicked amongst us, as to venture  
'either to counsel, conduct or invite, whenever he  
'comes (which God prevent) may expect the same  
'fate. For my own part, my Lord, I have no per-  
'sonal prejudice against him, nor the Pretended Prince  
'of *Wales*, but I here solemnly declare, that I will op-  
'pose him or either of them, with all their Adhe-  
'rents, whilst there is a drop of Blood in my Veins;  
'and I am morally sure of 100000 of the best Men in  
'*Britain* to accompany me in the Opposition; and  
'I'm sure, my Lord, of this, that the Nation in general  
'will go along with me also; God be praised, we are  
'Protestants, and of the Reformed Religion, for  
'which I hope we shall ever be ready and willing up-  
'on any such Occasion to sacrifice our Lives and our  
'Fortunes, to prevent all these impendent Evils. My  
'Lord, let us settle a Successor who is a known Pro-  
'testant, and of our own Royal and antient Race of  
'Kings.

'For an Argument of this, an anonymous Author  
'in his Remarks on the late Plot, gives some Reasons  
'for it, which for your Information I here presume to  
'repeat: After he excuses Two noble Dukes, he says  
'*'Tis hoped this is sufficient to make it plain, that to in-  
'fist on an Union and Communication of Trade at this  
'time, would retard the Succession, which may be dange-  
'rous to our selves, and to the whole Protestant Interest all  
'over Europe.*

'The danger to our selves is evident, from the Conspira-  
'cy that *Frazer* and his Accomplices have been carrying on  
'in the Highlands and other Parts of this Kingdom, the  
'general Discontents which are in our Nation, &c. and  
'gives his Reasons, Pag. 48.

He continues to tell you, 'That the Jacobites here,  
'and their Friends beyond Sea, make a great Improve-  
'ment of the delay of settling the Succession; they flatter  
'themselves and impose upon the World, that it proceeds

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from the Inclinations of our People to the St. Germain Family.

Then he goes on to tell you, My Lord, of our Divisions, which, says he, *encourage the French to solicit a Rebellion, and to attempt an Invasion, either of which effected, transforms our Country into a Field of Blood. And supposing (which God forbid) her Majesty should die whilst the Succession is unsettled, and our Country lying under these intestine Divisions, the Hanover and St. Germain Partys will certainly engage us in a Civil War. England and Ireland will assist the first, and France the other. This will make our Nation a Theatre of Woe and Calamity, and whoever hath the advantage in such a Case, we must be Slaves for ever.*

Our Author, my Lord, concludes the Paragraph, and tells us in such Circumstances, *That there will be no Room for Thoughts of insisting on Limitations, and humbly conceives that what is said, is sufficient to shew the necessity of settling the Succession upon the Foot of our old Constitution; that will be the only way to secure us against those dangers we are threatned with, from the Madness and Folly of both Parties, viz. Whig and Tory.*

My Lord Chancellor, this anoymous Author hath said very much in favour of the Rights and Privileges of this Kingdom in these Remarks, and other Books which I have seen; and in particular, hath been at some pains to excuse some great Men, whose Works and Actions I would have rather to speak and plead for them, that we may see and know in good earnest in whose Company we are, and with whom we have to do: Yet I must say, the Author seems in earnest for settling the Succession.

'Tis certain, my Lord, whoever is for pressing an Union or a Communication of Trade at this time, is diametrically against the settling the Succession; and if we do not perform this necessary point this Session, what Constructions will Men of unbiaised Principles, Men of the same Religion with ourselves all the World over, put upon our Management?

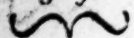
Will not the Majority of this Assembly be justly suspected, if the Succession be not settled this time? On this point depends the Security of all that is dear



to us both Spiritual and Temporal, at Home and Abroad ; and whoever is against it, without all manner of doubt, are Enemies at bottom to our Queen, to our Religion and Government, and to the People of this Kingdom, and their Posterity. The Person, my Lord, who I presume you will think fit to name for a Successor, is her Royal Highness the Electoreſs Dowager of *Brunswick* and *Lunenburgh*, the Princess *Sophia* ; she is the next Protestant of our own Royal Family, whose Mother was a Native of our own Country, born at *Dunfermling*. Her Highness's Blood is truly Royal, her Inclinations and Heart, as I am credibly informed, are intirely *British* ; and, my Lord, we can go no where else for a Successor, but to her and the Heirs of her Body. When this point is settled on the best Conditions proper for us to ask, and in Her Majesty's Power to grant, none in this Assembly will have Occasion so very often to make mention of Her Majesty's Death, as they did last Year, which indeed carries something rude in expressing it. We all know, my Lord, she is mortal ; may we act and speak as if we thought our selves so, and may we never have Occasion to make more mention of her Death ; may she outlive all of us ; she is the Support and Glory of us, of our Religion, and of the quiet and peaceable Government we all enjoy ; and by her shining Character, illustrates and adorns all her good Subjects.

Wherefore, my Lord, let it never be said, that we of this Parliament, either by neglect or by wrong Principles, or by a Mistake in our Judgments, grasping at what can never be obtained, are either the immediate or mediate Cause of ecclipsing so bright a Lustre, as shines thorough all the distinct Parts of Her wise Management at Home as well as Abroad, From hence we hear the joyful News of Victories, and a happy Progress by the Wise and adorable Providence, in the late great Success vouchsafed to Her Majesty's Arms and those of Her Allies ; whereby God hath thus far disappointed the Hopes, and confounded the Divices and ambitious Designs of the Common Enemy.

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‘ I presume to say, with submission, that our Divisions amongst our selves these last Two Years past, have given Her Majesty more real Vexation and Trouble than all the great Affairs of Europe, of which she hath a very great share ; this alone is a reproach to our Nation in general : Whereas indeed the true Cause is the Pride, Ambition and covetous Humour of some few particular Men of both Parties, who all pretended the service of the Queen and the Publick Good ; whereas in good earnest, all that these pretended Patriots aim at, is to be Chief, and the first in Posts and Offices of Profit and Trust, by which they may pretend a Privilege to spend and squander away the publick Revenue, oppress the People, to support their own Pride, Vanity and Luxury.

*Hinc illæ Lacrymæ.*

‘ From such Managers and Self-interested passionate proud Men are all our Misery, and all the Reproaches cast upon the Nation : Covetousness and the Love of Money blinds these Mens Understandings. Let us not follow their Maxims, lest we prove troublesome to our Sovereign, and useles to the Publick. I know very well, my Lord, some here who are really for the Succession, but are not for having it settled at this time for several pretended Reasons ; but a great one is, they would not have his Grace, my Lord Commissioner, have the Honour of passing it, whilst he sits on the Throne.

‘ I confess, for my own part, I have no Concern whoever does a good Thing, providing I have a share of it ; and I hope, if any Man is against it on that Account, he will repent and consider the publick Advantage : From which, and from all that has been said, I am, my Lord, for settling of the Succession now, before the House proceeds to any other Business.

Resolves  
of the  
Scotch Par-  
liament.

17.

But, notwithstanding these Speeches, the Earl of *Rothes* having prescribed another Resolve, it was carry'd by a Majority of 55, that the Resolves presented by the said Earl and that presented by the Duke of *Hamilton*, should be jointly voted ; and they are as follow : *Resolved*, That the Parliament will not proceed

ceed to a Nomination of a Successor, unless we have a previous Treaty with *England*, for regulating our Commerce, and other Concerns with that Nation. And further it is Resolved, That this Parliament will proceed to make such Limitations and Conditions of Government for the Ratification of our Constitution, as may secure the Religion, Liberty, and Independency of this Nation, before they proceed to the said Nomination. The first Part of this Resolution was proposed by the Duke of *Hamilton*, and the Latter by the Earl of *Rothesi*. The same Day the Duke of *Arbol* moved, That his Grace the Lord Commissioner would be pleased to write to Her Majesty to send down the Persons who were Witnesses in the late Plot, and all the Papers relating to the same, that that Affair might be examin'd to the bottom, and those who were unjustly and falsely accused might be vindicated, and those who are guilty punished according to their Demerits. Whereupon the Lord-Chancellor declared, That his Grace had written, and would write again on that Subject.

The 19th. the Earl of *Marchmont* made a Speech to this Effect, That since the House had resolved not to fall immediately upon settling the Succession, it was highly reasonable to make an Act to exclude all Popish Successors, as the most effectual Means to secure the Peace of this Kingdom. The Duke of *Hamilton* said thereupon, That it was not now a proper Season to answer that Proposal, but that he should be answered another Time. This occasioned some Debates, and the Earl pretended that it was contrary to the Custom of Parliament to interrupt a Member, but nothing was resolved thereupon. The same Day the Duke of *Hamilton* moved for a Two Months Cess, for the present Subsistence of Her Majesty's Forces, and the Lord-Justice Clerk moved for a Supply for Fourteen Months, payable in Two Years. These Two Motions were taken into Consideration the 21st. and it was carryed by Sixteen Votes for the Latter; but on the 25th. when the Act of Supply was again taken into Consideration, and an Additional Clause about the Security of the Kingdom was offered to be added to the Act of Supply, after a Debate thereon, the following Resolutions were offered by the

July.

Lord *Resol.* *Resolved*, That the Parliament will proceed to grant Two Months Supply for Subsisting Her Majesty's Forces, and as soon as the Act of Security, now read, has got the Royal Assent, will give Four Months more. This Motion being opposed, the Earl of *Roxborough* presented the following Resolution as an Expedient, *viz.* *Resolved*, That there be a first Reading marked on the Act of Security, and that both the Act, and that for the Supply, be without being farther proceeded on until his Grace, Her Majesty's Commissioner, receive Instructions as to the Act of Security, it being then free to the Parliament to proceed to the Acts jointly or separately, as they shall think fit. This *Resolve* was approved, and the Act of Security had a first Reading marked thereon. The 27th. the Parliament adjourn'd to the 3d. of *August*, expecting by that time that the Commissioner would have received Her Majesty's Instructions on the said Act of Security.

Its time now we should pass into the *Netherlands*, where on the 1st. Instant the Baron *de Trögne* was detached with a certain Number of Men from the Army commanded by Monsieur *d'Auverquerque*; the Baron marched towards *Liege*, and Monsieur *d'Auverquerque* with the Army began to march the same Way the 4th at Night. But the 5th the Baron having received a Reinforcement to his Detachment from *Liege* and *Huy*, turned short at *Tourine*, and advanced to the Enemies Lines, which he entred at Eight in the Morning, and took Post at *Meerdorp*, Monsieur *d'Auverquerque* advanced after him with the Army, but the Rivers *Herk* and *Demer* overflowing, and retarding the March of the Army, it was judged impossible for them to come up soon enough to support him; and so Orders were sent him to retire out of the Lines again, which he did the same Evening.

*Spar* bom-  
bards  
*Bruges*.  
2.

Mean while, on the 2d, a Body of *Dutch* Troops, of 9000 Men, commanded by General *Spaar*, appear'd before *Bruges*, on the Side of the Cross Gate. About Four of the Clock the Cannon of the Town fired upon them, but did little Execution. In the Evening they rais'd Batteries, and at One the next Morning began to throw Bombs and Carcasses, and shoot burning Bullets into the Town; several Houses were



were laid in Ruines by the Bombs, and others shatter'd. Hereupon the Inhabitants, to prevent further Mischief, offer'd to pay 600000 Guilders in Six Months time, which was accepted, and the Baron drew off to *Maldegem*.

But to return again to M. *d'Auverquerque*, though he fail'd in his first Attempt upon the Enemies Lines, it did not discourage him from a second: For advancing from *St. Tron* with the Army to *Marsin*, he ordered the Baron *de Trogne* to repair to *Huy* the 19th, who finding there a Body of 4000 Men, Horse and Foot, with Four Pieces of Cannon, he march'd the same Day, in order to take Post the Night following in the Enemies Lines near *Heillissen*, the Enemies Troops being all march'd up to *Namur*: Orders were given for detaching 100 Men out of each Battalion to sustain Monsieur *de Trogne*, till the rest of the Army could get up with him; but just when his Detachment was going to march, a Spy gave Notice to Monsieur *d'Auverquerque*, that the Enemy had Intelligence of his Design, and had sent Troops towards *Heillissen* to prevent the Execution of it. On this Advice, Monsieur *d'Auverquerque* immediately dispatch'd an Express to the Baron *de Trogne*, ordering him to retire; but the Baron sending Word back, that he had actually taken Post in the Lines, and expected to be sustain'd. Monsieur *d'Auverquerque* march'd with all possible Expedition to join him; but in the March he met the Baron *de Trogne* retreating before Fifteen of the Enemies Squadrons; which, at Sight of the Army of the Allies, retired back to their Lines, and the Allies return'd to *Marsin*. The 22d the Army pass'd the *Maese* near *Seille*, and advanced to *Namur*. The 26th they began to bombard the Town from the Hill of *St. Barbe*, directing their Bombs as well as possibly they could towards those Places where the Magazines stand; the Bombardment continued the 27th and 28th, and several great Fires were seen in the Town; the Garrison of the Place fired vigorously from their Cannon and Mortars, but did no great Execution. During the Bombardment a Detachment of Horse and Foot were sent up to *Dinant*, where they took Post, and part of them pass'd over from thence into the Country between the *Sambre* and the *Meuse*, where they rais'd very considerable Contributions.

The

July.

The *French* speak very slightly of the Bombardment, reckoning all the Damage to amount but to 50000 Livres, whereas the Allies, they say, had been at the Expence of 5 or 6 times as many Livres to do this Damage; for they threw in 3000 Bombs, besides Carcasses, Fire-pots and Bullets: That their Fire was several times interrupted whole Hours together, by the Fire from the Artillery employ'd against them: And that it was thought they lost above 1200 Men in this Bombardment.

Let us hasten once again to *Poland*. There, after many Contestations, we shall at last find a new King trump'd upon King *Augustus*. On the 1st Instant the King of *Sweden* arrived *Incognito* at *Warsaw*, and finding there were very warm Contests among the Confederates touching the Proceeding to the Election of a new King, his Majesty left *Warsaw* the 2d, to go to *Zackrotzin*, on the River *Bug*; but order'd his Commissioners, Count *Horn* and Monsieur *Wachslager*, to represent to the Confederates, That their Enemies and his would take the Advantage of the Misunderstandings there was between them; and that it would be best for them to break through some Difficulties (for he knew it could not be, but many would be startled on such an Occasion) and unite in a vigorous Resolution; for that he could not conclude a perpetual Alliance with them, till they had chosen a King, who with the Body of the Republick might sign the Alliance and ratifie the Treaty: He recommended to them at the same time, to chuse a Native of *Poland*. As for the Subject of the Contest between the Confederates on this great Affair, it seems to us as if the Cardinal-Primate endeavour'd to spin out the Debates to gain Time; and several Advices would then have perswaded us, he had a close Correspondence with the Court of *France*; that he had it in his Thoughts to propose the Prince of *Conti*, and waited only the Return of a Courier he had sent to *Versailles*, to determine how to govern himself after that Court had let him know their last Sentiments touching that Affair. Others were for a free Election, viz. that the King of *Sweden* should withdraw all his Forces from, in and about *Warsaw*, and leave them at full Liberty to debate and determine absolutely among them.

themselves whom to chuse. But the major Part, tired with so tedious and wasteful a War, and influenced by Hopes and Fears, which the Promises and Threatnings of the K. of Sweden gave them, pitch'd upon M. Stanislaus Leczinski, Palatine of *Posnania*, and General of Great Poland, to be their new King; and press'd the Assembly so warmly to declare the Day of Election, that they obtain'd a general Vote to pass for fixing it to be on the 12th. But to proceed, These Disputes were not over when the King of Sweden returned to *Warsaw* the 7th, and took up his Lodgings in Count Horn's House. The same Day he gave Audience to the Cardinal Primate, the Great General of the Crown, and the Marshal of the Confederacy; and exhorted them not to defer any longer to proceed to the Election of a New King. The 8th the Cardinal Primate reported to the Confederates what the King of Sweden had proposed to him and the other Two Persons of Quality aforementioned: The Contest, however, continued that Day, and the 9th and 10th. During which time the Swedish Commissioners press'd the Assembly to come to a Determination on the Subject Matter of Debate, by Intreaties, Promises and Threatnings. On the 11th the greatest part of the Senators and Deputies declared for the Palatine of *Posnania*; the Cardinal-Primate, the Great General of the Crown, the Palatines of *Siradia* and *Lenciscia*, and some others, opposing it. That Night the Palatine of *Posnania* had a secret Audience of the King of Sweden, who promised him, that upon his being elected he would employ all his Forces to maintain him on the Throne: For, notwithstanding all the Opposition severall made, suddenly a Cry began of *Long live the Palatine of Posnania*; but presently another Cry was heard, which was made by the Deputies and Nobility of *Podlachia*, who offer'd to protest against that Election, till the Treaty was concluded and sign'd with Sweden: That they would not hasten the Ruine of the Republick, nor suffer the Right of Opposition and Precaution to be changed into a Majority of Voices. Great Clamour was raised against them, and the Acclamations in favour of the Palatine of *Posnania* were renew'd; but they cry'd out as loud on the other Side, *We do not consent*. It was

July.

New K. of  
Poland  
chosen.

12

to no Purpose to speak them fair, or to threaten them; they were inflexible. In Conclusion, after they had been told, that if they would not consent they might withdraw, the Bishop proclaimed the Palatine of *Posnania* Three times: But those who were against it persisted in their Opposition, and boldly cry'd out, They would by no means have him to be their King, and leaving the Field, Monsieur *Feraxalski* said to the Bishop and his Adherents, *You have chosen your selves a King of Great Poland, but not of the Lesser Poland, nor of the Great Dutchy of Lithuania.* After they were gone, Pistols and Muskets were fired, Caps were thrown up, and the Field rung with Shouts of *Long live King Stanislaus.* The Palatine was conducted to the Cathedral of *Warsaw*, where *Te Deum* was sung, and he was conducted back with Ceremony. The *Swedish* Soldiers made a tripple Discharge of their small Arms. 300 *Swedish* Foot and 100 Horse stood within 100 Paces of the *Kolo* during the Election; they had a great many Officers with them; and it was said, the King of *Sweden* was in Person among them. General *Horn* and Monsieur *Wachslager* were very busie during the Assembly, being continually whispering the Deputies in the Ear, employing Intreaties, Promises and Threatnings, to oblige them to make an End that Day.

On the 13th the new elected King treated those who chose him at Dinner; and the K. of *Sweden*, who was gone to his Camp at *Blonia*, Two Leagues from *Warsaw*, sent him the following Congratulatory Letter.

*We Charles, To the most Serene and Potent King of Poland, Stanislaus, Great Duke of Lithuania, &c.*

*Most Serene and Potent Prince, our dearest Brother, Friend and Neighbour.*

K of Swe.  
den's Cor-  
gratula-  
ry Letter  
to the  
new King  
of Poland.  
13.

HAVING always had an Affection for your Majesty's Person, we notify to you the great Joy given us by your Letter, which inform'd us of your being Elected by the general Consent of the Considerated Nobility, to the Dignity your Vertues merit. We do not doubt your Majesty makes sure Account we will promote your Interest; and as it has been



'all along our Intention to maintain the ancient Band  
'of Friendship between us and the Republick of Po-  
'land, we congratulate the Nobility of the same on  
'their chusing a King, whose Virtue and prudent  
'Conduct may re-establish their Affairs, and we re-  
'joice we have such a Neighbour whose Fidelity we  
'know is inviolable, and of whose Affection for us  
'we are well satisfied. We beseech God long to pro-  
'serve your Majesty, in this the chiefest Dignity a-  
'mong Men, and so to prosper the Beginning of your  
'new Reign, that your Majesty may re-establish and  
'secure the tottering Republick, whose Reins of  
'Government you have taken into your Hands, and  
'thereby acquire Renown that may descend to your  
'Posterity after you.

*From the Camp at Blonia, July 13. 1704.*

*Your Majesty's good Brother  
Friend and Neighbour,*

CHARLES.

Upon the Cardinal Primate, the Great General, and other Senators who did not assist at the Election, refusing to acknowledge *Stanislaus* for King, the King of *Sweden* Ordered some of his Troops to march into their Lands and live at Discretion upon them; but the said Cardinal and the rest complied, and went in a Body the 16th to own and congratulate the new King; who had wrote to the King of *Sweden* to desire him to withdraw his Troops from off the Cardinal's Lands, where they had begun to raise Contributions, which was done accordingly. Many were of the Opinion of discerning Men there, that the Management of the Cardinal Primate and of the rest of the Senators who did not join in the new Election, was all Grimace to amuse the Publick; and that they secretly agreed to that Election of King *Stanislaus*, with those who openly Proclaimed him; they thought it very unlikely, the King of *Sweden*'s Menaces to Ravage the Lands of the Cardinal and the rest, could avail to determine them to acknowledge King *Stanislaus* so quickly, had they not been before engaged on his side. And that it was become a general Opinion at

*War-*

*July.* *Warsaw*, that the Conduct of the Cardinal particularly, in this Affair, was all Artifice to throw the Blame of the irregular Proceedings in that Election on others; and to excuse himself from answering any Questions on that Head to the Court of Rome: And that the Pretence of the K. of Sweden's sending Troops to live at Discretion upon his Lands was deem'd Impertinent; because 'twas known from good Hands, that those Troops had his own Consent.

And for King *Augustus*, he decamp'd on the 17th from *Sandomir*, and march'd to *Kamin*, and thence to *Landskut*; where in a Great Council that was Summoned to meet there in presence of the King, a Manifesto was read, in which the Senators and Nobility of the Royal Confederacy form'd at *Sandomir* declar'd, That all the Rights and Liberties of the Nation were Violated by the King of Sweden and his Adherents, protested against the pretended Election of a new King as illegal; and pronounced the Palatine of *Poznan* and those who chus'd him, to be Rebels and Enemies of their Country. From *Landskut* the King march'd to *Javarow*, where he was joined about the end of this Month, by Prince *Galitzen* with 16000 *Muscovites*, 3000 *Cossacks*, and a Train of Artillery: On the other Hand, the King of Sweden march'd from *Blonia* the 22d and dividing his Army into Three Bodies, his Majesty led that in the Middle himself, General *Aldersheim* that on the Right, and General *Bond* that on the Left, with which he burnt in his Way Sixty Villages, most of which belonged to the Marshal of the Confederacy of *Sandomir*; these Three Bodies drew into one near *Sandomir*, and pass'd the *Vistula* over a Bridge which General *Renschild* had left there; that General himself with a Body of Troops he commanded, being gone after King *Augustus* of Poland, to harass him in his march: But we heard yet of no Action.

In the mean time, the Envoy of the Grand Signior being come to the Court of *Augustus*, King of Poland, he had no other Commission than to assure that Prince of the sincere Intentions of his Master to maintain the Treaty of *Carlowitz*, and deliver'd to him the following Letter, which deserves to be inserted here for the Singularity of the Style.

‘Sul-

'Sultan *Osman*, the Invincible Lord, &c. wishes Prosperity to King *Augustus II.* of *Poland*, and acquaints him, that the Lord of Lords of the whole Universe, and the most Potent and Eternal King, who disposes of all Things in Heaven and Earth, has advanced me to the highest Monarchy, and has placed me by his Providence on the most Resplendent Throne, his Name be praised: And I have taken Care to suppress all Injustice, and the irregularities of my Predecessors. And whereas the Sun exceeds the Stars in brightness, so I have been pleased to confirm the Treaties lately concluded between the Christian Princes and the *Ottoman Port*, being resolved to maintain the same inviolably: And so declare farther, That no Provocation shall be given by the Port to the Republick of *Poland*, or other Princes to renew the War. May God grant you Success and a happy Deliverance from your present Enemies.

*Adrianople, in the Year 1715, since the Birth of the Prophet Mahomet.*

*July.*  
G. Seignior's Letter to the King of *Poland*.

Knowing of nothing more to detain us in these Parts, saving that the *Muscovians* made themselves Masters of *Dorpat* in *Livonia*, which was surrendered to them on the 24th; and that afterwards they marched to besiege *Nerva*; We shall once again return Home by the Way of *Scotland*, where, on the 5th Instant, the Act for the Security of the Kingdom, in case of Her Majesty's Death without Issue, and and that for a Supply of Six Months less, had the Royal Assent; the first of which, by reason of the Singularity of it, shall be inserted.

*Muscovites take Dorpat.*  
24.

*August.*

OUR Sovereign Lady the Queen's Majesty, with Advice and Consent of the Estates of Parliament, doth hereby statute and ordain, That in the Event of Her Majesty's Death, or of the Death of any of Her Majesty's Heirs and Successors, Kings or Queens of this Realm, this present Parliament. or any other Parliament that shall be then in being, shall not be dissolved by the said Death, but shall, and is hereby required and ordain'd, assembled, to sit and act in man-

*Scotch Act of Security.*

*August.* manner after-mentioned, notwithstanding of the said Death.

And if the said Parliament shall be under Adjournment the Time of the said Death, it shall notwithstanding meet precisely at *Edinburgh* the 20th Day after the Death aforesaid, excluding the Day thereof, whether the Day of the said Adjournment be sooner or later.

And it is farther statuted and ordained, That in case there shall be no Parliament in Being at the Time of the said Death, then the Estates or Members of the last preceding Parliament, without regard to any other Parliament that may possibly be indicted, but never met, nor constitute, shall meet at *Edinburgh* on the 20th Day after the said Death, the Day thereof excluded.

And farther providing, That in all or any of the said Cases, if there shall happen to be any vacancy of a Member, by reason of Death or Promotion, the Barons or Burghs concerned shall have power to chuse and supply the said Vacancy in the accustomed Manner.

As likewise, That in all or any of the said Cases, no Person who hath been, is, or shall be then Papist, and hath not purged himself from Popery, by taking the *Formula* set down in the Third Act of the Parliament 1700, before the said Death, shall be capable to be a Member of, or to elect, or be elected to the said meeting of the Estates in Parliament. And sicklike, That no *English* Man, or Foreigner, having a Scotch Title, and not having an Estate of 12000*l.* Yearly Rent within this Kingdom, shall in the Event aforesaid have Place and Vore in the said meeting of Estates.

And the said Estates of Parliament appointed, in Case of the Death aforesaid, to continue or meet as above, are hereby Authorized and Impowered, to act and administrate the Government in Manner after-mentioned; that is, That upon the Death of Her Majesty leaving Heirs of Her own Body, or failing thereof, lawful Successors designed or appointed by Her Majesty, and the Estates of Parliament, upon the Death of any succeeding King or Queen leaving Heirs or Successors, as said is, the said Estates of Parliament



August.

liament, are Authorized and Impowered, after having read to the Heir or Successor the Claim of Right, and desire them to accept the Government in the Terms thereof, to require of, and administer to the said Heir or lawful Successor, by themselves, or such as they shall commissionate the Coronation-Oath, and that with all convenient speed, not exceeding Thirty Days after the meeting of the said Estates, if the said Heir or Successor be within the Isle of Britain, or if without the same, not exceeding Three Months after the said meeting, in order to the exercising the Royal Power, conform to the Declaration of the said Estates contained in the Claim of Right.

As also in the Case of the said Heir or Successor, their being under Age, which, as to the Exercise of the Government, is hereby declared to be, until their attaining to Seventeen Years compleat, to provide for, order and settle within the Space of Sixty Days after the said Meeting, a Regency for the Kingdom, until the said Heir or Successor take the Coronation Oath, and do actually enter upon the Exercise of the Government; the Regent or Regents to be appointed always having the Claim of Right read to him or them as above, and he or they taking at his or their Entry the Coronation-Oath, and to continue to sit and act for the Space of Three Months, unless they be sooner lawfully adjourn'd or dissolved by the said Heir or Successor, being entred, or by the Regent or Regents lawfully settled as said is.

And farther, Upon the Death of Her Majesty without Heirs of Her Body, or a Successor lawfully designed or appointed, as above, or in the Case of any other King or Queen thereafter succeeding, and deceasing without lawful Heir or Successor, the aforesaid Estates of Parliament conven'd, are thereby authoriz'd and empower'd to nominate and declare the Successor to the Imperial Crown of this Realm, and to settle the Succession thereof upon the Heirs of the said Successor's Body; the said Successor and the Heir of the Successor's Body being always of the Royal Line of Scotland, and of the true Protestant Religion.

August.

Providing always, that the same be not the Successor to the Crown of *England*, unless in this present Session of Parliament, or any other Session of this, or any other ensuing Parliament during Her Majesty's Reign, there be such Conditions of Government settled and enacted, as may secure the Honour and Sovereignty of this Crown and Kingdom, the Freedom, Frequency and Power of Parliaments, the Religion, and Trade of the Nation from *English*, or any Foreign Influence, with Power to the said Meeting of Estates to add such further Conditions of Government as they shall think necessary, the same being consistent with, and no ways derogatory from those which shall be enacted in this, and any other Session of Parliament during Her Majesty's Reign.

And it is hereby declared, That the said Meeting of the Estates shall not have Power to nominate the said Successor to the Crown of this Kingdom, in the Event above expressed, during the first Twenty Days after their Meeting, which Twenty Days being elapsed, they shall proceed to make the said Nomination with all convenient Diligence.

And it is hereby expressly provided and declared, That it shall be High-Treason for any Person or Persons to administrate the Coronation-Oath, or be Witnesses to the Administrating thereof, but by the Appointment of the Estates of Parliament in manner above mention'd, or to own or acknowledge any Person as King or Queen of this Realm in the Event of Her Majesty's Decease, leaving Heirs of Her Body, until they have sworn the Coronation-Oath, and accepted the Crown in the Terms of Claim of Right; and in the Event of Her Majesty's Decease without Heirs of Her Body, till they swear the Coronation-Oath, and accept of the Terms of the Claim of Right, and of such other Conditions of Government as shall be settled in this, or any other ensuing Parliament, or added in the said Meeting of Estates, and be thereupon declared and admitted as above, which Crime shall be irremissible, without Consent of Parliament.

And because in the afore said Interval of Twenty Days, betwixt the said Death and Meeting of Estates of Parliament, in case there be no Parliament assembled

bled for the Time, it is necessary that the Administration of the Government be provided for in that Interim. Therefore it is hereby declared, That in case of the Death of of Her Majesty, or of any succeeding King or Queen of this Realm, in all or any of the Events above-mention'd; the aforesaid Administration shall be in the Hands of such of the Members of the said Estates of Parliament, and such Members of the Privy-Council last in Being, as shall be at *Edinburgh* at the Time of the said Death, or shall come to *Edinburgh* before the aforesaid Twentieth Day, and shall meet in the Parliament-House there, which Members of the Estates, and the said Members of the Privy-Council, are hereby impowered to sit and act in the said Interim, for preserving the Peace and Quiet of the Kingdom allendarly, and till the said Meeting of Estates, and no longer, Thirty of the said Members of the Estates, and Members of the former Council, being a *Quorum*, the Plurality being always of the Estates who were not of the former Council.

And it is hereby further statuted and ordain'd, That all Commissions granted to the Officers of Estate, Lords of Treasury and Exchequer, President of the Privy-Council, and all other Civil Commissions that are now granted during Pleasure, shall, by the Decease of the King or Queen reigning, become null and void, excepting Sheriffs, Stewards and Justices of the Peace, in their respective Bounds.

And for the further Secuiry of this Kingdom, Her Majesty, with Advice and Consent aforesaid, statutes and enacts, That the whole Protestant Heretors, and all the Burghs within the same, shall forthwith provide themselves with Fire-Arms for all the sensible Men, who are Protestants, within their respective Bounds, and those of the Bore proportion'd to a Bullet of Fourteen Drop Weight running; and the said Heretors and Burghs are hereby impower'd and ordain'd to discipline and exercise their said sensible Men once in the Month at least, the said Heretors always taking the Oath of Allegiance and Assurance; as also such Heretors or sensible Men who are suspected of Popery, are hereby appointed, when required, to take the *Formula* mention'd in the Act of

*August.* Parliament, 1700. and that before the Sheriff of the Shire, or any other Judge within whose Jurisdiction they reside.

And it is hereby likewise statuted and ordained, That upon the Decease of Her Majesty, or any of Her Heirs or Successors, the Commissions of all Officers of the standing Forces above a Captain, shall immediately become void and null; and that the Captains of the several Troops and Companies, and the Lieutenants of those who shall have belonged to the Colonels, Lieutenant-Colonels and Majors, do continue to command their respective Troops and Companies, without extending their Command any farther, under Pain of Treason, till further Orders from the said Estates or Committee in the Interval.

And further, Her Majesty, with Advice and Consent aforesaid, requires and ordains all Officers and Soldiers, which shall happen to be in daily Pay at the Time of the Decease aforesaid, to continue in, or immediately repair to their respective Garrisons and Quarters, and not to remove from thence, but by Order of the said Estates or Committee above-mention'd, upon Pain of Treason.

And, Lastly, Her Majesty, with Advice and Consent aforesaid, rescinds, Casses and annuls the Seventeenth Act of the Session of the Parliament, 1696. and all other Laws and Acts of Parliament, in so far as they are inconsistent with this Act.

Upon occasion of passing this Act, his Grace the Marquess of Tweeddale, Her Majesty's High-Commissioner, made the following Speech to the Parliament.

*My Lords and Gentlemen,*

High-  
Commis-  
sioner's  
Speech to  
the Par-  
liament.

5.

' AT your Sitting down, Her Majesty in Her gra-  
' cious Letter recommended to you Two Things,  
' which She thought most necessary for your own  
' Quiet and Security, as well as for that of Her Go-  
' vernment; the Settling the Succession in the Pro-  
' stant Line, and the Providing for the Subsistence of  
' the Forces, the Funds last given for that End being then  
' exhausted. The first of these you have not thought  
' fit for your Interest to do at this Time; I heartily  
' will



‘with you may meet with an Opportunity for it more  
 ‘for your Advantage at another. The other all  
 ‘of you seem’d most ready and willing to go in-  
 ‘to, as witness the several Motions and Resolves  
 ‘made thereanent, but withal shew’d strong Inclina-  
 ‘tions for an Act of Security, as absolutely necessary.  
 ‘I told you then, as I had done at first, that I had  
 ‘been fully impower’d, and instructed not only as  
 ‘to that, but many other Things for your Good,  
 ‘but upon the Alteration of Circumstances had not  
 ‘now the Liberty to make use of those Powers even  
 ‘as to that, till I had acquainted Her Majesty, and  
 ‘knew Her Mind, which I would do, and use my  
 ‘utmost Interest to procure it favourable, which was  
 ‘the true Reason of your long Adjournment, and  
 ‘not what was insinuated by some, who ought to  
 ‘have known me better, the Character I have in  
 ‘the World being, I hope, above so mean a Re-  
 ‘flection.

‘And now, *My Lords and Gentlemen*, I can tell you  
 ‘that from Her Majesty’s innate Goodness and gra-  
 ‘cious Disposition towards you, it hath been more  
 ‘easie for me, and some other of Her Servants, to  
 ‘prevail with Her, than, perhaps, was by others  
 ‘expected; so that you have an Act of Security suf-  
 ‘ficient for the Ends propos’d: And it is hoped at  
 ‘the same time you will perfect that of Supply,  
 ‘which you your selves seem convinced to be abso-  
 ‘lutely necessary at this time, and without which  
 ‘neither the Forces can be kept on Foot, nor any  
 ‘Frigats maintained for guarding our Coasts, and  
 ‘securing our Trade, both which now lying before  
 ‘you, I hope you will go presently about, that  
 ‘when finished they may have the Royal Assent,  
 ‘which I am ready to give, and thereafter you  
 ‘may have Time to proceed to other Business rela-  
 ‘ting to Trade, or your other Concerns, where-  
 ‘in I shall be willing to comply with your De-  
 ‘sires, so they be within the Bounds of my In-  
 ‘structions.

But what his Grace might expect of them by way  
 of Provision for the Subsistence of the Army, they  
 made but slow Paces therein, but spent most of their

August.

Time upon the Publick Accounts, and the most remarkable of their Proceedings upon that Head was that on the 11th they read the first Four Accounts of Receipts and Disbursements; and as to the Fourth Observation by the Commissioners, for Provision for *English* Forces, they found that to be an Article due by *England*, and the Sum mention'd in the Fifth Observation the like, and ordered the Clerks of the Treasury to produce the Instructions of the said Fifth Article against the next Day of Meeting; So that the Time being spun out to the 27th, not very much to his Grace's Satisfaction, or, perhaps, to the Parliament it self, they were adjourn'd to the 7th of *October*, upon which Occasion the Lord High-Commissioner made the following Speech.

*My Lords and Gentlemen,*

High-Commissioner's Speech in adjourning the Parliament.

27.

' YOU have now sat long, and, I think, you cannot complain that you have been cut short by frequent Adjournments or short Sederunts. In this time more might have been done; however, some good Laws are pass'd, and one in particular, which gives sufficient Evidence of the Disposition Her Majesty was in to have gratified you in whatever was reasonable. I advertised you lately, that you had not much longer to sit, and though I cannot but say the Time you have had since has been very usefully employ'd, yet, if there had been more Dispatch made, some of those good Laws which are now before you might have pass'd; but now I must tell you, that I am not allow'd to give you any more Time, Her Majesty thinking a short Recess necessary at present, so it will not be long till you may have another Opportunity of doing what still remains fit to be done; for no Disappointment Her Majesty hath met with can alter in the least Her favourable Disposition towards this Her ancient Kingdom.

Having nothing to require our further Stay in *Britain*, saving that Don *Lodovico de Cunha*, Envoy Extraordinary to Her Majesty from the King of *Portugal*, had Audience on the 20th, when he delivered a Letter from his Master to Her Majesty, assuring Her

of his firm Resolution to observe the Treaty of Alliance concluded with Her Majesty and Her Allies, whatever Vicissitudes might happen; and the Envoy at the same time acquainted Her Majesty, That he had express Orders from his Master to give Her Majesty all possible Assurances, that his Master would with all Vigour pursue the Intentions of that Alliance, till the same were accomplish'd.

In the mean time came the great and glorious News of the ever-famous Battle of *Hochstet* to Her Majesty; for on the 10th, O. S. in the Evening arrived Colonel *Park* from the Duke of *Marlborough* with the following Letter to his Dutcheß, which was writ by his Grace on Horseback with a black Lead Pencil.

'I Have not Time to say more than to beg of you to Duke of  
' present my humble Service to the Queen, and to *Mark*.  
' let Her Majesty know, that Her Army has had a *Marlborough's*  
' glorious Victory. Monsieur *Tallard* and Two other Letter to  
' Generals are in my Coach, and I am following the his Dut-  
' rest. The Bearer, my *Aid de Camp*, Colonel *Park*, cheß.  
' will give Her Majesty an Account of what has pas- 13. N. S.  
' sed. I shall do it in a Day or two by another more  
' at large.

*Marlborough.*

His Letter hereby referring, in the First place, to the Account Colonel *Park* could give of our Success, take it as follows :

Aug. 4. N. S. The Confederate Army, under the Col. *Park's*  
Duke of *Marlborough*, decamp'd from *Fridberg*, and Account  
encamp'd that Night at *Knebach*, alias *Kippach*. The of the  
same Day, about Ten in the Morning, Marechal Battle of  
*Tallard*, with about 22000 Men, came to *Biberach*, *Hochstet*.  
in order to join the Elector of *Bavaria*, whose Army  
lay at *Augsburg*; the Marechal left his Troops, and  
went to the Elector's Camp, who order'd his Forces  
to march and join the French at *Biberach*, which they  
did accordingly.

The next Morning Prince *Lewis* of *Baden* and the Duke of *Marlborough* also decamp'd, and march'd to *Hohenwert*, where they continued the 6th and 7th.

August.

The 6th, Prince *Eugene* came to the Camp, and dined with the Duke of *Marlbrough*. The same Day a Detachment of 800 of Prince *Lewis*'s Horse march'd to invest *Ingolstadt*.

The 8th, the Army decamp'd from *Hokenwert*, and march'd to *St. Sanditzell*, and the 9th to *Axheim*. This Day Prince *Lewis* march'd with a Detachment to besiege *Ingolstadt*. The same Day the Duke of *Marlbrough* had News, that the Enemy had passed part of their Army over the *Danube* at *Dillingen* or *Lawingen*, upon which his Grace ordered General *Churchill* to march with a strong Detachment over the *Danube* at *Schonevelt*, to reinforce Prince *Eugene*, who lay encamp'd near *Donawert*.

The 10th, the whole Army march'd to *Schonevelt*.

The 11th, Intelligence was brought, That the Enemy had passed their whole Army over the *Danube*, upon which his Grace ordered the Army under his Command to march by Break of Day, the first Line to pass the *Lech* near *Rain*, the *Danube* at *Donawert*, and the River *Wornitz* near *Donawert*; the second Line to pass the *Danube* at *Schonevelt*, and the *Wornitz* at *Oppermorgen*. That Night the whole Army joined, and encamped at *Munster*: The same Evening the Duke of *Marlbrough* and Prince *Eugene* rode out to observe the Posture of the Enemy.

The 12th, the Duke having Notice, that some Troops of the Enemy were moving towards us, ordered our Piquetins to march, and the rest of the Army to be under Arms and ready to march, and himself, with Prince *Eugene*, went out to observe the Enemy, who advanced and encamped on a Hill near *Hochstetten*, whereupon that Night the Duke ordered all the Baggage to be sent towards *Donawert*, and the Army to be ready to march by Break of Day, which accordingly they did, and faced the Enemy's Camp by 6 or 7 of the Clock in the Morning.

The Generals immediately set about ranging the Army in Order of Battle. At our first Coming, the Enemy were quiet in their Camp, and their Horse gone to Forrage. They seem'd by the Noise in their Camp to be in great Confusion, and they fired Two Pieces of Cannon to call back their Forragers; they also burnt several small Villages that lay between

our



our Army and theirs: About Nine of the Clock they fired some Cannon upon our Troops as they were marching to form the Line, whereupon the Duke order'd Cannon to be brought up, and Batteries to be made to fire upon them, which was done with very good Effect: Thus both Armies continued cannonading each other till about a Quarter before One of the Clock; during which time the Duke ordered a little Rivulet and Morrafs in the Front of the Enemy to be sounded; and where it was found to be impassable, he caused Bridges to be made in the Face of the Enemy.

When every thing was thus disposed, which was about One of the Clock, the Duke ordered the Troops to move and attack the Enemy, which was accordingly done; Prince *Eugene* and the *Imperial* General Officers at the Head of the *Imperial* Troops, were on the Right; General *Churchill*, my Lord *Cuts*, Lieutenant-General *Lumley*, my Lord *Orkney*, and Lieutenant-General *Ingoldsby*, with the rest of the *English* and *Dutch* General Officers were on the Left; and the Duke of *Marlborough* commanded the Whole. The Dispute was very sharp, and continued till near Five of the Clock, at which Time the Troops on the Right under Prince *Eugene*, being hard press'd by the *Bavarians*, who were on the Left of the Enemy's Line, began to give Way; which his Grace perceiving, went in Person thither, and ordered the *Corps de Reserve* to advance, and saw them himself pass over the Rivulet, and there form'd them, which put a Stop to the Enemy's advancing any farther. His Grace at this time in particular, as likewise during the whole Action, exposing himself where there was the greatest Danger, very narrowly escaped being shot by a Cannon-Bullet, which grazed under his Horse's Belly, and covered him all over with Dirt, insomuch, that all that saw it concluded him to be dash'd to Pieces.

In the mean time, the *English* and *Dutch* Troops gain'd Ground upon the *French*, and soon after obliged their Horse to retire in great Confusion, leaving their Foot to our Mercy, which were for the most part cut to Pieces. About Twenty Battalions of the Enemy retired to a Village, and there defend-  
ed

*August.* ed themselves with a great deal of Bravery for at least an Hour and a Half, though Cannon was brought against them, and they were surrounded by our Troops: At last, great Numbers of them being killed, the rest surrendred themselves Prisoners of War. By this time we were entirely Masters of their Camp, and all their Tents, Artillery, Cannon and Baggage.

A great Number of Officers were taken in this Action, and among the rest the Marshal *de Tallard*, and Two General Officers, one of which was the Marquess *de Valiere*, and the other's Name Colonel *Park* does not remember. There still continued a considerable Number of the *Bavarian* Horse in a Body together, which the Duke at the Dispatching away of this Express had order'd to be surrounded and attack'd; in order thereunto, Colonel *Park* saw our Troops advancing towards them as he came away, and verily believes that the Elector of *Bavaria* was with that Body of Horse.

The Duke of *Marlborough* had been Sixteen Hours on Horseback, and was in the Pursuit of the Enemy when this Express came away.

On the 13th, my Lord *Tunbridge* arrived Express from the Duke of *Marlborough*, and brought the following Letter from his Grace to Mr. Secretary *Harley*.

S I R,

Duke of  
*Marl-*  
*borough's*  
Letter to  
Mr. Sec-  
retary  
*Harley*  
about the  
Battle of  
*Fockstet.*

I Gave you an Account on *Sunday* of the Situation we were then in, and that we expected to hear the Enemy would pass the *Danube* at *Lamingen*, in order to attack Prince *Eugene*: At Eleven that Night we had an Express from him, That the Enemy were come over, and desiring he might be reinforced as soon as possible; whereupon I ordered my Brother *Churchill* to advance at One of the Clock in the Morning, with his Twenty Battalions, and by Three the whole Army was in Motion: For the greater Expedition, I order'd part of the Troops to pass over the *Danube*, and follow the March of the Twenty Battalions; and with most of the Horse and the Foot of the first Line I pass'd the *Lech* at *Rain*, and



'and came over the *Danube* at *Donauwars*; so that we  
 'all join'd the Prince that Night, intending to ad-  
 'vance and take this Camp at *Hochstet*. In order  
 'whereto, we went out on *Tuesday* early in the Morn-  
 'ing with Forty Squadrons, to view the Ground,  
 'but found the Enemy had already possessed them-  
 'selves of it; whereupon we resolv'd to attack them,  
 'and accordingly we march'd between Three and  
 'Four Yesterday from the Camp at *Munster*, leaving  
 'all our Tents standing: About Six we came in  
 'View of the Enemy, who we found did not expect  
 'so early a Visit. The Cannon began to play about  
 'Half an Hour after Eight: They form'd themselves  
 'into Two Bodies, the Elector, with Monsieur *Mar-*  
 '*sin*, and their Troops, on our Right, and Monsieur  
 '*de Tallard* and his on our Left, which last fell to my  
 'Share: They had Two little Rivulets, besides a  
 'Morass, before them, which we were oblig'd to pass  
 'over in their View, and Prince *Eugene* was forced  
 'to take a great Compass to come to the Enemy, so  
 'that it was One of the Clock before the Battle be-  
 'gun: It last'd with great Vigour till Sun-set, when  
 'the Enemy were oblig'd to retire, and, by the Bless-  
 'ing of God, we obtained a compleat Victory. We  
 'have cut off great Numbers of them, as well in the  
 'Action, as in the Retreat, besides above Thirty  
 'Squadrons of the *French* which I have push'd into  
 'the *Danube*, where we saw the greatest part of them  
 'perish; Monsieur *de Tallard*, with several of his  
 'General Officers, being taken Prisoners at the same  
 'time: And at the Village of *Bleinheim*, which the  
 'Enemy had entrench'd and fortified, and where  
 'they made the greatest Opposition, I oblig'd 26 en-  
 'tire Battalions and 12 Squadrons of Dragoons to  
 'surrender themselves Prisoners at Discretion. We  
 'took likewise all their Tents standing, with their  
 'Cannon and Ammunition; as also a great Number  
 'of Standards, Kettle-Drums and Colours in the  
 'Action; so that I reckon the greatest part of Mon-  
 'sieur *Tallard's* Army is taken or destroy'd. The  
 'Bravery of all our Troops on this Occasion cannot  
 'be express'd, the Generals, as well as the Officers  
 'and Soldiers, behaving themselves with the greatest  
 'Courage and Resolution: The Horse and Dragoons  
 'ha-

*August.* 'having been obliged to charge 4 or 5 several times:  
 'The Elector and Monsieur de Marsin were so advantageously posted, that Prince Eugene could make no Impression on them till the Third Attack, at near Seven at Night, when he made a great Slaughter of them; but being near a Wood-Side, a good Body of Bavarians retired into it, and the rest of that Army retreated towards Lawingen, it being too late, and the Troops too much tired to pursue them far. I cannot say too much in Praise of the Prince's good Conduct, and the Bravery of his Troops on this Occasion. You will please to lay this before Her Majesty and his Royal Highness, to whom I send my Lord Tunbridge with the good News. I pray you will likewise inform your self, and let me know Her Majesty's Pleasure, as well relating to Monsieur de Tallard, and the other General Officers, as for the Disposal of near 1200 other Officers, and between 8 and 9000 common Soldiers, who being all made Prisoners by Her Majesty's Troops, are entirely at Her Disposal; but as the Charge of subsisting these Officers and Men must be very great, I presume Her Majesty will be inclined that they be exchanged for any other Prisoners that offer.

'I should likewise be glad to receive Her Majesty's Directions for the Disposal of the Standards and Colours, whereof I have not yet the Number, but guess there cannot be less than 100, which is more than has been taken in any Battle these many Years.

'You will easily believe, That in so long and vigorous an Action, the English, who had so great a Share in it, must have suffered as well in Officers as Men, but I have not yet the Particulars: I am,

S I R,

Your most Obedient Humble Servant,

MARLBOROUGH.

These being at least yet the best Accounts transmitted into England concerning the Battle of Hochstet, we'll pass into Holland, where, after we have but just mention'd the Dutch Troops having taken Fort Issabella, near Sluice, we meet with this Letter from the Duke of Marlborough to the States.

High



*High and Mighty Lords,*

I Had the Honour to write to your High Mightinesses on *Sunday* last, to inform you of our Resolution to besiege *Ingolstadt*, and of the Situation of the Enemy : That same Day in the Evening, we understood that they had passed the *Danube* at *Lauringen* ; upon which, at Midnight, I ordered General *Churchil* with Twenty Battalions, who had pass'd the *Danube* that same Day, to reinforce Prince *Eugene* ; and at Three in the Morning I began to march with the rest of the Army, part of which, that we might make as much haste as possible, took the same Way with General *Churchil*, and the Horse with the first Line of the Foot passed the *Lech* at *Rain* and the *Danube* at *Donawert*.

*August.*  
His Letter to the States.  
14.

We join'd Prince *Eugene* that same Night, and encamped with our Right at *Appertzbosen*, and the left at *Munster*, with a Design next Morning to possess our selves of the Camp at *Hochstet* ; but when Prince *Eugene* and I came to view the Ground with Forty Squadrons, we found the Enemy had already possess'd it ; upon which we resolved to march towards them which we did Yesterday, the Army being in Motion by Two in the Morning, which the Enemy did not expect. We came in sight of them by Six, and betwixt 8 and 9 we began to Cannonade one another ; but the Enemy having Two Rivulets, or Brooks before them, and a sort of a Morass, the Horse was obliged to File off, and Prince *Eugene* having a great Turn to take, it was One a Clock before we could come to Engage. The Enemy form'd themselves into Two Bodies ; the Elector and Monsieur *Marfin* on the Left, and Monsieur *Tallard* and all his Troops on the Right. It fell to me to engage the Latter, so that at last the Battle grew hot, and continued till Sunset, when it pleased God to give the High Allies one of the greatest and most compleat Victories that has been known.

It is impossible to express the Bravery of our Troops, as well Generals and Officers as Soldiers, who deserve all possible Praise. Our Cavalry charged 4 or 5 Times ; but Time does not allow me

*August.* me to be particular ; their whole Army was put to the Rout. We have made a great Slaughter of them, and taken their Camp, with their Cannon and Ammunition. On my Side we pushed above Thirty Squadrons into the *Danube*, where most of them, were drown'd ; and we have taken Monsieur *Tallard*, with many of the General Officers. In the Village of *Bleinheim*, which the Enemies had fortifi'd, I have made 26 Battalions and Twelve Squadrons Prisoners at Discretion ; besides which, we have taken a great Number of Standards and Colours.

'I know not yet the Particulars of all that pass'd on the Right, but Prince *Eugene's* good Conduct, and the Bravery of his Troops, was particularly observable in this Glorious Action ; for which I will delay no longer to Congratulate your High and Mightinesses, referring you for the Particulars to Colonel *Panton*, one of my Adjutant-Generals, who having been in the Action can tell the Particulars by Word of Mouth. I am, &c.

D. of Marlborough.

The next, tho' so very short a Letter, is that of the Prince of *Hesse*, to the States to this Effect.

*High and Mighty Lords,*

P. of Hesse  
his Letter  
to the  
States.

13.

YOur High and Mightinesses having entrusted me with the Command of your Cavalry, I thought it my Duty to give you Notice, That we have had the good Fortune entirely to beat the Enemies Army near *Hoßstet*. I can't give the Particulars, because the Action did not end till Night ; but it's certain we have ruined the whole Wing of the *French* Horse and some Battalions, which we cut in Pieces. Our Foot made themselves Masters of a Village, where they took and kill'd Twenty Battalions. I can assure your High Mightinesses, That your Cavalry has done Wonders ; and all the General Officers, and particularly General *Hornspeck* have very much distinguished themselves. I remain with all Respect, your High Mightinesses, &c.

Sign'd,

*Frederick Hesse.*

P. S.

August.

P. S. I hope your High Mightinesses will pardon me, that my Relation is not more exact; but I wrote it at Eleven at Night, and am somewhat fatigued with the Toils of this glorious Day. My *Aid de Camp* has taken Monsieur de Tallard in my Sight.

But that of General *Hompesch* being more full and particular, must be allowed the next Place and runs thus.

WE marched this Morning by break of Day from our Camp at *Munster* to attack the Enemy, and came within a League and half of *Hochstet*, and because we had the *Danube* on our side, and an impracticable Wood on the other, we had no Way to march but through a Plain, through which runs a River, over which the Duke of *Marlborough* had caused Bridges be made the Day before. Notwithstanding this Precaution, we could march but in Eight Columns, and during the Two Third Parts of the Way it was impossible for us to draw up in Order of Battle, and we were obliged to attack the Enemy under all these Disadvantages. They had before them a Rivulet which was in the most Places unpassable for the Cavalry, the Ground being marshy, so that our Wing, and the *Imperialists* under Prince *Eugene* were a long Time before we could form our Lines and attack the Enemy. The Fight began at One of the Clock, and lasted till Five. The Troops of our Wing having passed the Rivulet and Morass aforesaid, attacked the Enemy, who having on their Right the Castle of *Hochstet* on the *Danube*, had posted near it their Infantry, which made a great Resistance against the *Englische* and *Dutch* Foot. Our Cavalry charged several Times the Enemy, and we mingled one amongst the other; they repulsed us and we beat them again, and so the Victory was hotly disputed for some time, but at last we put their whole Cavalry to Flight, and cut off several of their Battalions. While the Cavalry was thus engaged, the Infantry in the Center of the Army, maintained a sharp Dispute with the Enemy, and the Victory was doubtful for some time; some of our Battalions, and amongst others those of *Goor* and

G. Hom-  
pesch's Let-  
ter about  
the Battle  
of Hoch-  
stet.

Bein-

August.

Beinheim suffered very much. Prince Eugene, with the Imperial Troops, the Prussians, and the Danish Foot, attacked on his side the Elector of Bavaria, and found so great a Resistance that the French were the first routed, and the Elector retired with better Order, but not without a great Loss. That Prince and the French being thus defeated, Twenty Battalions of the French retired into Hochstet, where being covered by a Castle, they could not be forced without Cannon, they defended themselves for some time against the English and Dutch Infantry, but towards Night surrendered Prisoners at Discretion with all their Generals. The Marshal of Tallard was driven to the Banks of the Danube with several Squadrons, and being pressed on by our Cavalry, surrendered himself Prisoner to the Sieur de Beynenburgh, Adjutant-General to the Hereditary Prince of Hesse-Cassel, having not thought fit to run the Danger of being drown'd, as were most of his Cavalry and Infantry, which our Horse drove into the Danube. The Marquess de Momperon, General of the French Cavalry was also taken, with the Marquess of Marguen, if I am not misinformed as to the Name, Lieutenant-General of Horse, Monsieur de S. Prunage, and Monsieur Clairembeau, Lieutenant-General, Monsieur de Blansacq, Brother to the Count de Roussi, Marshal de Camp, Brigadier Folie commanding the Regiment of the Queen, the Chevalier de Ligonde, Colonel of Horse, the Marquess de La Valiere, Brigadier: We have taken a great deal of Cannon, but I cannot yet learn the Number of Pieces, and other particulars. The Prince of Holstein Beck, Major-General, who arrived in the Camp but the Day before, was dangerously Wounded, taken Prisoner by the Enemy, and put upon a Waggon to be carryed away, but their Cavalry being defeated, we found him in the said Waggon, having 3 or 4 dangerous Wounds, as I am informed; Major General Nassmar, in the Prussians Troops, was dangerously Wounded: We have also lost amongst our Cavalry some Officers, and of the Regiment of the Count d'Erpach, we had his Brother, a Man of Merit, kill'd, with Captain Wisenrode and another, but I shall send the List of the Officers kill'd and wounded with all possible speed.



'The Fight was very obstinate and bloody in the Beginning, because we attack'd the Enemy with great Disadvantage, and besides they were stronger than us, having 84 Battalions and 114 Squadrons; we had but the Number which I mention'd in my last Letter to your High Mightinesses.

'The Enemy, according to the Report of the Deserters, earnestly wish'd that we should attack them in their advantageous Posts, but, through God's Blessing, the very Disadvantage we lay under has been the Occasion of such a compleat Victory, that none can sufficiently return Thanks for the same. The Duke of *Marlborough* has given the Orders with great Prudence and Conduct, and expos'd himself in the most dangerous Places during the whole Action, giving the Directions with a great Presence of Mind amidst the greatest Fire. Prince *Eugene* has done on his Part what was possible to be done, and the Hereditary Prince of *Hesse Cassel* has been every where, where there was Blows, and has distinguished himself. I am, &c.

*Hochstet, August 13. 1704.*

Sign'd,

*R. V. B. de Hompesch.*

P. S. 'Instead of 20 Battalions, I mention'd before, to be taken Prisoners of War in *Hochstet*, there are 26 and 4 Regiments of Dragoons, viz. 3 Squadrons of the *Maître de Camp General*, 2 of the *Queen*, 3 of *Vasse*, and 4 of *Rean*. The Foot consists of 3 Battalions of *Navarre*, 2 of *Greder*, German, 3 *Aunis*, 2 *Blefois*, 2 *Artois*, 1 *Provence*, 2 *Languedoc*, 2 *Agenois*, 2 *Surlauben*, 2 *S. Segnod*, 1 *Laffy*, 1 *Bolonois*, 1 *Merevroue*, 2 *Montforest*, 1 *Bloisle*. The *Marquess de Hauteville*, General of the Dragoons, with 5 Brigadiers, and a great many Colonels, besides those I have mention'd above, are taken. Monsieur *Clairembeau*, Lieutenant-General, whom I said to be taken, commanded in *Hochstet*, and is missing, so that 'tis not known whether he is kill'd, or has made his Escape, which was very difficult.

*August.* Having given all the Light we could, and being still willing to add such further Informations as we have received concerning this glorious Action, we here subjoin a particular Relation, written by a brave Officer, who was concern'd in that Battle, and may be believed in what he says.

An Officer's Letter about the said Battle.

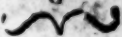
THE Victory with which God was pleas'd to bless the Arms of the Allies the 13th Instant, is so very considerable, that I wish I could have given you sooner an exact Account of it; but we were so much fatigued after the Battle, and it was so difficult to give you the Particulars of that glorious Action, that I could not answer my Promise before this Time. Prince *Lewis* of *Baden* and the Duke of *Marlborough* having resolv'd to besiege *Inghelfradt*, his Highness went with a Detachment from the grand Army, to command in that Siege, and his Grace continued about *Rain*, to watch the Motions of the *French*. On the 10th, my Lord Duke was inform'd by Prince *Eugene*, that the *French* and *Bavarians* were passing the *Danube* at *Löwingen*, whereupon his Grace sent a Detachment, under the Command of General *Churchill*, with Orders to pass the *Danube*, and join Prince *Eugene*, and on the 11th, at Three in the Morning, we march'd and join'd that Prince at *Münster*, where we continued till the 12th, expecting our Artillery, which could not come up with the same Expedition as the Troops. The same Day his Grace and Prince *Eugene*, with most of the Generals, advanced under a Guard of Forty Squadrons of Horse and Dragoons, to view the Camp of the Enemy, which they found to be of difficult Access, that the *French*, it seems, could not believe that we would attack them therein, and therefore next Morning made a general Forage. They were posted on a rising Ground, having a River and a Morass before them, and besides, it appear'd afterwards that they were superior in Number. These Difficulties did not discourage our Generals, who having resolv'd to attack them the next Morning, the whole Army march'd the 13th, by Break of Day in Eight Columns, and about Seven appear'd before the Camp of the Enemy. The *Imperialists*, *Prussians*, and

and Danes were posted on the Right, under the Command of Prince Eugene, and the *English, Dutch, Hessians, Lunenburgers*, and the other Troops in the Service of *England and Holland*, made up the Left Wing of our Army under their respective Generals, and my Lord Duke had the general Command over the whole. The Enemy were very much surprized upon our Approach, and fired Two Guns as a Signal for their Foragers to return, which they did with Precipitation, and occasioned a great Confusion in their Camp. Mean time his Grace having given the necessary Directions for the Attack, the *Imperialists* march'd along a Wood near *Volpersteten*, and Sixteen Battalions of the Left advanced at the same time towards *Bleinheim*; our Generals designing by that Motion to attack the Enemy in the Flank on both Sides, but as soon as they were sensible of it, they set on Fire the Village of *Volpersteten* and *Antereheim*, and made a great Fire from their Batteries, even before our Forces appeared on the rising Ground near the Morass aforesaid. Our Artillery was brought to bear at that time, and by favour thereof the Foot forded the River, and Bridges were made for the Horse. The Cannonading began between Eight and Nine in the Morning, and continued till One in the Afternoon, during which the Foot of the Left advanced to *Bleinheim*, to beat the Enemy from that Post, wherein they had cast up an Intrenchment with Pallisadoes, and posted 26 Battalions, supported by 12 Squadrons of Dragoons. They made a stout Resistance, which obliged my Lord Duke to order the Hereditary Prince of *Hesse Cassel*, who commanded the whole Body of the Cavalry of the Left, to pass the Morass to cut off the Enemy posted at *Bleinheim* from the rest of their Forces. The Passes being very difficult, the Enemy repulsed our first Squadron with a great deal of Fury, but the Prince advancing with the rest, fell upon the *French Gendarmerie* and Light-Horse with an unparall'd Vigour, and, after Four Charges, put them altogether to the Rout. The Enemy caused Three Battalions to advance, who forming themselves into one, pretended to stop our Cavalry, but were all cut in Pieces, and their Horse and

August.

Gendarmerie were driven into the *Danube*. The  
 Marshal of *Tallard*, fearing to be drown'd; surren-  
 der'd himself to the Adjutant of the Hereditary  
 Prince. Their Foot and Dragoons posted at *Blein-  
 heim* being covered by the Castle of *Hochstet*, de-  
 fended themselves for some time after the Defeat of  
 their Cavalry, but fearing to be put to the Sword,  
 they surrender'd Prisoners. While this was trans-  
 acted on our Left, Prince *Eugene* attack'd the Left  
 of the Enemy, commanded by the Elector of *Ba-  
 varia* and the Marshal of *Marfin*, who being ad-  
 vantagiously posted, made a stout Resistance, and  
 disputed the Ground with a great deal of Obstinacy,  
 but the Defeat of the Marshal of *Tallard* having  
 discouraged them, they gave Ground and retired,  
 having had 24 Battalions almost cut in Pieces.  
 Their Horse likewise suffered veay much. The  
 Troops of the Left took 35 Pieces of Cannon, and  
 those of the Right Ten; but as the Enemy had a  
 greater Number of them, 'tis supposed they threw  
 them into the *Danube*, or the Morass, and we  
 hope to find them. The Elector retired over the  
*Danube* by the Bridge of *Lawingen*, and marched di-  
 rectly for *Ulm*, to rally his scatter'd Troops. He  
 sent Orders at the same time to his Troops in *Au-  
 burg*, and other Places, to quit them, and to join  
 him, and Yesterday accordingly the *French* march'd  
 out of *Ausburg*. carrying with them Four Hostages  
 as a Security for 2000 Sick or Wounded they have  
 in that Place. The Magistrates being assembled im-  
 mediately after, sent Four Deputies to my Lord  
 Duke, who had last Night their Audience, and de-  
 sired his Protection. His Grace answered, that they  
 had nothing to fear from the Troops of Her Majesty  
 and the States, who were only sent against the En-  
 mies of the Empire and their Allies, and a Detach-  
 ment is sent to take Possession of that important  
 Post, wherein the Elector, without the Reinforce-  
 ment of the Marechal of *Tallard*, had been able to  
 stop all the Confederate Forces. We hear they have  
 likewise quitted *Munich*, and the Electress, with her  
 Children, is gone for *Memingen*, the Elector being  
 so obstinate, that he will hearken to no Terms; and  
 some Deserters say, That he declared, he had rather





'be a *French* Dragoon, than a General in the Em-  
 'peror's Service. The Duke of *Marlborough* and  
 'Prince *Eugene* have taken such Measures, that 'tis  
 'not unlikely that he will be soon reduced to that  
 'happy Condition, if he pleases; for they have sent  
 'an Express to Prince *Lewis* of *Baden* to acquaint  
 'him with the Circumstances of that Prince, and that  
 'it is their Opinion, That the Siege of *Ingolstadt* is to  
 'be laid aside at this time, that the Confederate Forces  
 'being all join'd together, may be in a Condition to  
 'attack the Elector, even under the Cannon of *Ulm*,  
 'where the Cavalry cannot subsist but few Days, or  
 'else follow him without any Loss of Time, and ob-  
 'lige him to quit the Empire, which he cannot do  
 'without exposing his Forces to a manifest Danger of  
 'being cut off. *Ulm*, *Ingolstadt*, and other Places,  
 'must needs shortly fall of themselves, and their Gar-  
 'risons will be lost to the Elector. This Affair being  
 'of the highest Consequence, the necessary Orders  
 'are sent to Count *Vehlen* at *Rotweyer* to have a watch-  
 'ful Eye on the Motions of the Marechal of *Villeroy*,  
 'and, in case he attempts to march to meet the E-  
 'lector, Count *Nassau Weilburgh* is to march with all  
 'his Forces from the Lines to join Count *Vehlen*.  
 'This glorious Victory having caused an happy Al-  
 'teration in our Measures, we have been obliged to  
 'continue in this Place, which is but within a small  
 'Distance of the Field of Battle, as well to expect  
 'Prince *Lewis*, as to give time to order our Convoys  
 'of Provisions according to the intended Motion of  
 'our Forces: The Enemy had 84 Battalions and  
 '150 Squadrons, and we 66 Battalions and 181 Squa-  
 'drons, which being computed at this time at 400  
 'Men each Battalion, and 100 in each Squadron, it  
 'appears they had 4220 Men more than the Allies.  
 'Their Foot suffer'd so very much, that 'tis thought  
 'there are Sixty Battalions taken, or else so much  
 'weaken'd, that they are look'd upon as unable to  
 'do any Service. I cannot pretend to give you any  
 'Account of the Slain on either Side, neither do I  
 'know whether we ought to rely upon a certain List,  
 'which makes the Loss of the *English* Cavalry 411,  
 'and of the Foot 1124. Our Troops have done  
 'Wonders, and the Conduct and Bravery of our

Auguſt.

General cannot be ſufficiently praiſed. I ſhall ſay nothing of our Enemies. The Priſoners blame very much *Monſieur de Tallard*, but if we compare the Praiſes they gave him laſt Year to what they ſay now of him, we ſhall be tempted to believe, that by their long Alliance with the *Turks* they have adapted ſeveral of their Maxims, and amongſt others that of judging of the Merit of their Generals by the Succeſs of their Enterprizes.

Some Days after the Battle, the Duke of *Marlborough* wrote another Letter to the States, which we ſhall inſert here, with ſome others, becauſe every one contains ſome material Particulars not to be omitted.

*High and Mighty Lords,*

Duke of *Marlborough's* 2d Letter to the States.  
17.

I Gave my ſelf the Honour to write to your High Mightineſſes on *Thursday* laſt by Colonel *Panton*, one of my Adjutants-General, to impart to you the happy Succeſs of the Arms of the Allies in Germany, and the glorious Victory which we have obtain'd over the Enemy, of which we feel every Day the good Influence. The Number of Priſoners encreaſe hourly, and we reckon to have now about 11000, beſides 1200 Officers. I muſt confeſs that great Number is very troubleſome to us, there being few Places in this Country to put them in. This obliges me to deſire your High Mightineſſes to do me the Honour to let me know whether we may ſend down by Water the Share of the Priſoners belonging to *England* and Your High Mightineſſes, that they may diſpoſed of in the Places of the *United-Provinces*. Mean time we ſhall endeavour to eaſe our ſelves of them in this Country as ſoon as poſſible, for nothing elſe ſtops us here.

As the Face of Affairs in this Country is wholly changed at preſent, Prince *Eugene* and I have imparted to Prince *Lewis* of *Baden* our Sentiments, that to amuſe our ſelves with the Siege of *Ingoſtadt* at preſent would be but loſing of Time, and that we believe it will be more advantageous for the Good of the Common Cauſe, to join all our Forces to ſtreighten more and more the Enemy, and oblige

'the French to quit Germany, and repass the Rhine; for then not only Ingolstadt, but also the whole Country of Bavaria must fall of themselves. We have one Instance of it in the Case of the City of Aurburg, which the Enemy quitted Yesterday Morning. Their Deputies are come hither to desire our Protection, and a Detachment is marching thither to take Possession thereof. We hourly expect an Answer from the Prince of Baden on this Subject.

'This Day we have return'd Thanks to God thro' the whole Army, for his Favour towards us, which appears the more conspicuous, in that the Enemy own, that their Army consisted of 82 Battalions, and 147 Squadrons, which were advantageously posted; whereas we had but 64 Battalions and 166 Squadrons, of which Number 1500 Horse were with the Prince of Baden. This Evening we are to make publick Rejoicings, by a general Discharge of our Artillery and Small Shot througout the Army.

'I have nothing further to add, but I cannot conclude, without repeating to your High Mightinesses that the Valour and good Conduct of the Baron de Hompesch, and your other Generals, and also the Bravery which the Officers and Soldiers of your Troops have expressed on this Occasion, deserve the greatest Encomiums. I therefore flatter my self, that in filling up the Vacancies, you High Mightinesses will have a particular regard for such who have been in the Action, and for the Recommendation of their Generals, who were Eye Witnesses of their Behaviour. I am, &c.

From the Camp at Steinheim, August 17. 1704.

Signed,

The Duke of Marlborough;

General Hompesch wrote likewise to their High Mightinesses the following Letter;

High and Mighty Lords,

'THE Enemies Loss, and particularly that of Monsieur de Tallard's Army, does rather increase than diminish; instead of 26 Battalions I mentioned to your High Mightinesses to be made Prisoners States.

E e 4

there 17.

General Hompesch's 2d Letter to the

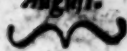
August.

there are 27, and Four Regiments of Dragoons according to the List herewith sent; and I can assure your Lordships, that the Six Battalions which were in the Lines, and overthrown by our Cavalry, were almost all killed, and the few that were left are taken Prisoners. I am also informed, that Three Battalions of *French* on their Right Wing were entirely ruined. Of their Cavalry there were a great many Squadrons drowned in the *Danube*, killed, or taken Prisoners. Abundance of their other Horse were also killed in the Battle and Pursuit, so that we may reckon all Monsieur de Tallard's Army entirely ruin'd. On our Wing we took 35 Pieces of Cannon, and I am informed that we took Ten on our Right. The *French* had Fifty Cannon planted against our Wing, of which they could hardly withdraw any: But we have not yet found the Rest, which makes us think they have thrown them into the *Danube*, when they saw the Battle lost. The Number of Prisoners, according to the last Enquiry, amounts to 10500; but the Number, as I observed before, rather increases than diminishes. We did not believe at first that the Number was so great.

Yesterday Four Deputies arrived here from *Ausburg* to desire the Duke of *Marlborough's* Protection. His Grace answered, That they had nothing to fear from the Troops of the Queen or the States, since they were sent against the Enemies of the Empire and their Allies. In the mean time some Troops were ordered to take Possession of the Citadel of *Ausburg*. This plainly discovers the Enemy's Weakness and Consternation, to abandon a Place of that Importance situated upon a Considerable River covering *Bavaria*, and which the Elector was in a Condition to maintain without Monsieur de Tallard's Reinforcement.

The Duke of *Marlborough* and Prince *Eugene*, are of Opinion (which is certainly the best for bringing the Matter to an Issue) to abandon the Siege of *Ingolstadt*; upon which, an Express is sent to the Prince of *Baden*, and we shall march strait to *Ulm*. The Enemy have abandoned *Lainggen* since their Defeat, so that we have the *Danube* free as far as that Place;





Place ; and if *Ulm* fall into our Hands, we may reckon the War finished on this side.

‘ If the Enemies post themselves before that Place, we shall endeavour to attack them, or surround them, if that be not practicable, so that their Cavalry shall not be able to subsist, for want of Forage : If they march from that Place, they cannot subsist, and we hope to be able to oblige them to return towards the *Rhine* ; and if they leave a strong Garrison in *Ulm*, those Troops will be soon lost to them. God has given us such an evident Testimony of his Blessing and Assistance against our Enemies, though they were advantageously posted, and had several Battalions more than we, that we have Ground to hope for an Issue of this War, by the Favour of God ; which he is pleased more and more to bestow upon us. Before the Battle the whole Army addressed themselves by fervent Prayer to God, which has been heard. And this Day we returned him publick Thanks for the Great and Signal Victory which he has been pleased to give us over our Enemies, in hopes that they will be accepted by him, and that he will continue to bless the Designs of our Principals ; this Evening we shall discharge our Cannon, and make other Rejoycings. I said nothing in my last about the Conduct of your High Mightinesses General Officers and Soldiers ; but I reckon that the Issue is sufficient to perswade your High Mightinesses of it. According to what I have seen and heard, all our Troops behaved themselves well, and have done by God’s Assistance all that could be expected from Men of Bravery and Courage ; tho’ I have already very much commended the Valour and wise Conduct of the Duke of *Marlborough*, I must again repeat that none can praise him enough for the Zeal and Vigilance he shewed in this Action. The same may be said of Prince *Eugene*, and after the Example of these Two Generals, who are Lords of singular Goodness and Prudence ; the whole Army is in a perfect Harmony, so that we may hope for all that is good. I have sent to *Coblentz* *M. Meurs*, *Aid de Camp* to the Count of *East Friesland*, the Bearer of this Letter, for some Affairs which he will relate to you, and resolving to make use of this Opportunity

August.

‘ opportunity, I have ordered him to carry this Letter to  
 ‘ your High Mightinesses at the *Hague*, to acquaint  
 ‘ you with the Important Conquest of *Ausburg*, and  
 ‘ to make a verbal Report to your High Mightinesses  
 ‘ of what has passed here, I remain. *High and Migh-*  
 ‘ *ty Lords, &c.*

*From the Camp at Steinhein, August. 17.*

Sign’d,

*R. V. Baron de Hompesch.*

P. S. ‘ According to what has been reported to me  
 ‘ by the Officers who were in the Right Wing, dur-  
 ‘ ing the Action on the 13th. Instant, 23 or 24 of the  
 ‘ Enemies Battalions were entirely ruined, though the  
 ‘ *Bavarians* had some Advantage over us at the Be-  
 ‘ ginning; and the Loss of those Battalions added to  
 ‘ the Loss of the Foot they sustained on our Left  
 ‘ Wing, may amount to near Sixty Battalions. Their  
 ‘ Cavalry has also suffered very much, but I cannot  
 ‘ so well give the Particulars of that. We had in this  
 ‘ Battle 66 Battalions and 181 Squadrons. The Ene-  
 ‘ mies had 84 Battalions and 150 Squadrons: As some  
 ‘ of their Battalions were not compleat, and we reck-  
 ‘ on them one with another but at 400 Men; this  
 ‘ makes them 7320 Men Superior to us in Foot, and  
 ‘ 31 Squadrons, at 100 Horse each, making 3100,  
 ‘ we reckon their Army was 4220 Men Superior to  
 ‘ ours in the whole.

The Army having decamped few Days, after to  
 follow the Enemy, the Duke of *Marlborough* gave the  
 following Account of his Motions to the States.

*High and Mighty Lords,*

Duke of  
*Marl-*  
*borough's*  
 3d Letter  
 to the  
 States.  
 21.

‘ I Gave my self the Honour to write to your High  
 ‘ Mightinesses on *Sunday* last, from *Steinhein*. The  
 ‘ next Day after, the Marshal of *Tallard*, with the o-  
 ‘ ther Officers of Note, was sent towards *Frankfort* and  
 ‘ *Hanau*, under a Guard of Dragoons. We have  
 ‘ made the Repartition of the other Prisoners, who are  
 ‘ sent into the Neighbouring Places, that they may  
 ‘ be more easily Guarded, till they are sent away.  
 ‘ Their Number is greater than at first believed, since  
 ‘ they

they exceed 13000 Officers and Soldiers, including about 3000, who have Listed themselves in the Confederate Troops. On *Tuesday* the Army decamped and marched to *Gondelfingen*. Yesterday we advanced to *Ober Elchingen*, and this Day to this Camp which is about half a League from *Ulm*. We have found a great Number of Officers buried in the Villages through which we marched, and some Citizens of *Ulm* assure us, That when the Enemy marched from thence, they carried away above 7000 Wounded, amongst whom were about 1000 Officers. They burnt a great many Waggon, to make use of the Horses to carry off the Officers upon Brankars (this is a sort of a Litter;) our *Hussars* and several Parties of Horse follow them very closely, who together with the Boors have killed a great Number of the Soldiers of the Enemy, whom they found straggling. We begin to streighten *Ulm*, expecting the Arrival of the Prince of *Baden*, who passed the *Danube* this Day at *Donaues*, and as soon as he is come, and that we have regulated what Troops are to carry on this Siege, I shall advance towards the *Rhine*, with the Forces that I have the Honour to command. This Morning a Deputy of the City of *Memingen* came to our Camp, to desire our Protection, and reports, That the Electress of *Bavaria* was gone through that Place with Five of her Children, under a Guard of Fourteen Squadrons, to join the Elector, who according to our last Advices was about *Dutlingen*, with the Marshal of *Marfin*. I am, &c.

From the Camp at *Sefellingen*, August 21.

Sign'd,

The Duke of Marlborough.

The Repartition of Prisoners mentioned by His Grace is as follows; but it is to be observed, that the Number that fell to the Duke of Marlborough's Share, is to be divided between *England* and *Holland*.

Prince

## Prince Eugene's Share.

|                              | Bat.     | Capt.     | Lieut.    | Sub-Lieut. | Serg.     | Sold.      |
|------------------------------|----------|-----------|-----------|------------|-----------|------------|
| <i>August.</i>               |          |           |           |            |           |            |
| <i>The Re</i>                |          |           |           |            |           |            |
| <i>paration</i>              |          |           |           |            |           |            |
| <i>of Priso-</i>             |          |           |           |            |           |            |
| <i>ners ta-</i>              |          |           |           |            |           |            |
| <i>ken at</i>                |          |           |           |            |           |            |
| <i>Hochstet.</i>             |          |           |           |            |           |            |
| <b>N</b> Avarre              | 3        | 32        | 34        | 37         | 40        | 1029       |
| Seneterre                    | 2        | 20        | 16        | 18         | 33        | 570        |
| Greder                       | 2        | 29        | 33        | 0          | 28        | 266        |
| Aunix                        | 2        | 17        | 15        | 10         | 36        | 441        |
| Zurlaube                     | 2        | 24        | 34        | 8          | 38        | 360        |
| Monto                        | 1        | 8         | 8         | 6          | 20        | 297        |
| Aginois                      | 1        | 12        | 10        | 11         | 21        | 240        |
| Laffey                       | 1        | 11        | 7         | 3          | 18        | 200        |
| Blaisois                     | 1        | 6         | 6         | 8          | 19        | 293        |
|                              | <hr/> 15 | <hr/> 159 | <hr/> 163 | <hr/> 101  | <hr/> 253 | <hr/> 3665 |
| Gunners                      |          |           |           |            |           | 88         |
| 2 Commis. of Artil. 2        |          |           |           |            |           | 23         |
| Cavalry                      |          |           |           |            |           | 155        |
| Drag. Squad. Officers        |          |           |           |            |           |            |
| M. de Camp 3                 |          | 38        |           |            |           | 300        |
| Vaffy 3                      |          | 38        |           |            |           | 289        |
|                              |          |           |           |            |           | <hr/>      |
| The rest of the Regiments    |          |           |           |            |           | 4520       |
| Royal Artill. 1              |          |           |           |            |           | 110        |
| Nice 1                       |          |           |           |            |           | 146        |
|                              | <hr/>    | <hr/>     | <hr/>     | <hr/>      | <hr/>     | <hr/>      |
|                              | 237      | 163       | 101       | 253        |           | 4776       |
| Captains                     |          |           |           |            |           | 237        |
| Lieutenants                  |          |           |           |            |           | 163        |
| Under Lieutenants            |          |           |           |            |           | 101        |
| Serjeants                    |          |           |           |            |           | 253        |
| Soldiers, Horse and Dragoons |          |           |           |            |           | 4776       |

Total of Prince Eugene's Share, 5530



The Duke of Marlborough's Share.

|            | Bat.     | Capt.     | Lieut.    | Sub-Lieut. | Serg.     | Sold.      |
|------------|----------|-----------|-----------|------------|-----------|------------|
| Royal      | 3        | 32        | 29        | 22         | 42        | 980        |
| Provence   | 1        | 6         | 5         | 3          | 19        | 316        |
| Bolonois   | 1        | 10        | 9         | 10         | 20        | 308        |
| St. Second | 1        | 11        | 13        | 0          | 18        | 213        |
| Languedoc  | 2        | 16        | 20        | 15         | 32        | 586        |
| Artois     | 2        | 20        | 20        | 16         | 33        | 660        |
| Robec      | 1        | 1         | 6         | 2          | 16        | 175        |
| Chaonillat | 1        | 4         | 0         | 0          | 17        | 70         |
| Monfort    | 2        | 15        | 17        | 15         | 29        | 419        |
|            | <hr/> 14 | <hr/> 115 | <hr/> 119 | <hr/> 83   | <hr/> 226 | <hr/> 3727 |

Officers wounded

|                  |   |    |   |   |   |     |
|------------------|---|----|---|---|---|-----|
| At Dillingen     | 0 | 60 | 0 | 0 | 0 | 0   |
| Cavalry          | 0 | 35 | 0 | 0 | 0 | 145 |
| Dragoons, Squad. |   |    |   |   |   |     |
| La Reine         | 3 | 50 | 0 | 0 | 0 | 281 |
| Rohan            | 3 | 40 | 0 | 0 | 0 | 290 |

The rest of the Regiments

|                                |   |     |     |    |       |      |
|--------------------------------|---|-----|-----|----|-------|------|
| Albaret                        | 1 |     |     |    |       | 4443 |
| Bandeville                     | 1 |     |     |    |       | 148  |
| Auxeroy                        | 1 |     |     |    |       | 120  |
|                                |   | 300 | 119 | 83 | 226   | 239  |
| Captains                       |   |     |     |    |       | 4950 |
| Lieutenants                    |   |     |     |    | 185 & | 115  |
| Sub-Lieutenants                |   |     |     |    |       | 119  |
| Sergeants                      |   |     |     |    |       | 83   |
| Soldiers, Cavalry and Dragoons |   |     |     |    |       | 226  |
|                                |   |     |     |    |       | 4950 |

Total of the Duke of Marlborough's Share, 5678  
In the Whole 11208, besides 3000 who have taken  
Service among the Allies.

The chief Officers taken, being not mention'd in  
that Account, it is necessary to insert here an  
exact List of them, as they were printed by Au-  
thority.

August.

The Marshal *de Tallard*; Marquess *de Montperon*,  
 Maistre de Camp General of Horse; Monsieur *de*  
*Hautefeuille*, Maistre de Camp General of Dragoons;  
 Marquess *de Marivaux*, Lieutenant-General; Mar-  
 quess *de Blansac*, Marshal de Camp of Foot; Monsieur  
*du Videme*, Marshal de Camp: Marquess *de la Valiere*,  
 Marquess *de Silly*, Brigadiers-General of Horse; Mon-  
 sieur *Desnonville*, Monsieur *Dumeny*, Chevalier *de*  
*Croissi*, Monsieur *de St. Second*, Monsieur *de Signy*, Mon-  
 sieur *de Montfort*, Brigadiers-General of Foot; Mon-  
 sieur *Jolly*, Brigadier-General of Dragoons; Marquess  
*de Seprville*, Monsieur *de la Masseliere*, Brigadiers-Ge-  
 neral of the *Gens d'Arms*; Marquess *de Sassenage*, Aid  
 de Camp, and Son-in-Law to the Marshal *de Tallard*;  
 Marquess *de St. Pouange*, Chevalier *de Ligonday*, Co-  
 lonels of Horse; Marquess *de Nonan*, Colonel of the  
 Regiment of *Provence*; Count *de Tavannes*, Count  
*Schacq*, Monsieur *Balincourt*, Monsieur *Saubeuf*, Count  
*de Leone*, Marquess *de Lassy*, Baron *d'Elfen*, Colonels  
 of Foot; Marquess *d'Orrival*, Colonels of Dragoons;  
 Prince *Maubecq* of *Lorain*, Captain of Horse; Mar-  
 quess *d'Auuet*, Captain of the *Gens d'Arms*, and Colo-  
 nel; Monsieur *d'Ovillars*, Ensign of the *Gens d'Arms*;  
 Monsieur *Fuissac*, Guidon of the *Gens d'Arms*.

If you would have an Account of the Right Wing,  
 more particularly under Prince *Eugene*, they told us  
 from *Vienna*, that the Army under his Grace the Duke  
 of *Marlborough's* Command consisted of 66 Battalions,  
 and 178 Squadrons, whereof 7 *Danish* Battalions and  
 11 *Prussian*, made the whole Force of the Right Wing,  
 with 92 Squadrons of *Imperialists*, *Prussians*, *Swabians*,  
*Franconians*, and other States of the Empire. This  
 Wing was to attack the Left of the Enemy, which  
 was very much superior, besides the Advantage of the  
 Ground. They were posted on a rising Ground, ha-  
 ving a Mountain and a thick Wood on one side, and  
 their Front covered by a Brook, which was very dif-  
 ficult to pass; and besides they had posted their Can-  
 non before them so advantageously, that the *Imperia-*  
*lists* were very much annoy'd thereby, before they  
 could form themselves in order of Battle. The Ground  
 that parted the Two Armies was likewise of very dif-  
 ficult access, being cut by a great many Ditches and  
 De

Defiles, and the Passing the same took up Three Hours, during which the Right Wing of the *Imperialists* was continually exposed to the Fire of the Cannon of the *Bavarians*. Notwithstanding these disadvantages, Prince *Eugene* attacked the Enemy with a great deal of Fury, and his Cavalry broke thro' the first Line of the *Bavarians*, but were repulsed by the Second; and while they were rallying to renew the charge, the Infantry, overpowered by the Enemy, was forced 3 or 400 paces. They rallied, and the Prince led them on once more with so much Courage and Conduct, that the Enemy gave Ground. The *Imperialists* thought themselves sure of a Victory, but were a Second time repulsed, and retired about 60 Paces, where they continued about half an Hour, the Generals giving them time to breathe, and disposing them to renew the Attack, which was very bloody and desperate. The Imperial Cavalry charged with an unparalleled intrepidity, and the Enemy gave Ground, but repulsed them again; but the *Danish* and *Prussian* Foot attack'd the *Bavarians* with so much Bravery, that notwithstanding the inequality of Numbers, and the Disadvantage of the Place, they forced them to give Ground, and the Generals and other Officers observing the Confusion of the Enemy, and the Extraordinary courage of their Men, resolv'd to lose no time, and make another general attack, which succeeded so well, that through the blessing of God, the Enemy was put to flight by the Infantry, with the Assistance only of Two Squadrons, lest a greater Number in that difficult Ground, should oblige the Infantry to break their order, in pursuing their advantage. The *Bavarians* retir'd to *Luxingen* on the Top of the Mountain aforesaid, but were obliged to run away from thence to *Moeskirken*, where they seem'd resolv'd to make a stand, but that was only to get time to pass a Morass, for upon the approach of the Confederate Troops, they run away with all imaginable precipitation: That Relation cannot sufficiently praise the Valour and Conduct of the Duke of *Marlborough* and the other Generals, nor the Intrepidity of the Troops that fought under his command.

But

August.

But because some would be desirous to see Prince Eugene's Letter to the King of Prussia upon this Occasion, take it as follows.

S I R,  
 Pr. Eugene's Letter to the King of Prussia about the Battle of Hochstet.  
 16.  
 YOUR Majesty has, undoubtedly been fully informed already of the Signal Victory which we gain'd the 13th of this Month over the French and Bavarians. I therefore pass over in silence many of the Particulars of that Action, lest I should be tedious to your Majesty : But, with all submission, I cannot forbear giving deserved Praise to the Body of your Troops, which served under my Command on this Occasion, having been an Eye-Witness, that both the Superior and Inferior Officers and private Soldiers, particularly the Foot who were in the Right Wing, fought with Intrepidity, and for several Hours sustained the Efforts of the Enemy, who, by God's Assistance, and by means of the great Fire of the said Foot, were put into such Disorder, that being no longer able to stand before them, they were forced to fly with Precipitation, leaving us the Field of Battle, and a glorious Victory. Now, Sir, seeing noble Actions spring from the Heroick Conduct of a Commander, and that the worthy Examples of their superior Officers generally inspire the Soldiers with double Courage, 'tis just to give the Prince of Anhalt, in particular, the Praise so much his due. He was altogether careless of his Person, and unconcerned amidst the greatest Dangers, he led on his Men to the Charge with undaunted Resolution ; so that, to his Immortal Glory, to his Valour and Conduct, this Victory is in great Measure to be attributed. Sir, I could not forbear giving, in all Obedience, this Testimony to your Majesty, of the very, worthy of all Praise, shewn by your Troops under my Command ; and at the same time to assure your Majesty, that I shall be wanting in nothing that may contribute to their Preservation and advantage ; because I shall always count it a very particular Happiness to be able to render my self worthy of your Majesty's Esteem, being with respectful Obedience, &c.

Th



The Duke of *Marlborough* continued several Days at *Sefellengen*, to concert with the Imperial Generals the further Operations of the Campaign, and on the 23d a Trumpeter came to him from the Elector of *Bavaria*, with a Letter for his Grace, dated from *Dulingen* the 21st, desiring him to give a Conveyance to one enclosed for the Electress, who having not been able to join her Husband, was return'd to *Munich* with her Children, under a Guard of Fourteen Squadrons. The Duke sent immediately that Letter to her Electoral Highness by a Trumpeter, and on the 24th had a long Conference with Prince *Lewis* and Prince *Eugene*, wherein it was resolved, That seeing the Enemy were returning towards the *Rhine*, all the Forces should likewise march that way, except Twenty Battalions and Forty Squadrons, which should be left under the Command of General *Thungen*, to carry on the Siege of *Ulm*. It was resolved also, That Count *Wratislaw*, Minister of the Emperor, should continue in the Camp before that Place, to manage the Negotiations with the Electress of *Bavaria*, who made some Proposals to deliver up that Place, and the whole Electorate, upon certain Conditions.

These Resolutions being taken, the Confederate Troops began their March from the Neighbourhood of *Ulm* the 26th, by different Roads, for the Ease of the Country; and Orders were sent to a Body of Forces, commanded by the Count of *Vehlen* at *Rotweiler*, to march from thence to the *Rhine*. At the same time, Prince *Eugene* went to *Rastat*, to draw together a great part of the Troops from the Lines at *Stolhoffen*, and to march with them to the general Rendezvous of the Army, which was appointed to be at *Bruchsal*, near *Philipsburg*; but the English and Danish Troops march'd the 26th from *Sefellengen* to *Launsheim*, the 27th to *Gros Seissen*, the 28th to *Eberspach*, where they halted the 29th, the 30th to *Gros Heppach*, and the 31st to *Mondelsheim*, at which Place the Duke of *Marlborough* join'd them from the Camp before *Ulm*.

Having thus given an Account of the Battle of *Hochstet*, as it was published on the Side of the Allies, we shall present the Reader with the Reverse thereof.

August.

that is, the Relation publish'd by the *French*, that we may not be accused of Partiality, and think fit to begin with an Abstract of a Letter written by the Marshal of *Marfin* to the *French* King.

M. de  
*Marfin's*  
Letter a-  
bout the  
Battle of  
*Focklier.*  
15.

ON the 10th in the Morning we had Advice, that Prince *Lewis* of *Baden*, with 24 Battalions and 31 Squadrons, was detach'd from the Enemies Camp to besiege *Ingolstadt*; upon which we resolved to march to *Lawingen*: And the Post of *Hochstet* being found most advantageous, the Elector encamped his Army there. On the 11th we called a Council of War, to consider whether we should stay for the Enemy, who was marching towards us, and resolved we should. On the 13th in the Morning the Enemies came in Sight of our Army. M. *Tallard* and his Troops had the Right, and the Elector and I were on the Left. Prince *Eugene* was on the Enemy's Right, and the Duke of *Marborough* on their Left: The Enemy spent the whole Morning in Movements, to draw themselves up with Advantage; and at Nine of the Clock the Cannon began to play on both Sides. About One of the Clock the Battle grew hot, the Elector broke the Enemy's Right several times, but they immediately rallied again. Their Foot stood bravely to it, being supported by their Horse. Our Right did likewise make several advantageous Charges upon the Left; but about Six at Night the Enemy pass'd a Morass, which our Engineers thought impassable, and attack'd our Right on the Flank, and broke the same. Twenty Six Battalions and Four Squadrons of Dragoons threw themselves into the Village of *Bleinheim*, where they were encamped by the Enemy, and obliged to surrender.

When the Elector saw this unhappy Result, we resolved to retire with the Left and the Body of the Battle to *Ulm*; some of the Cavalry of the Right join'd us; but several Squadrons not being able to come up with the Body, threw themselves into the *Danube*, where M. *de Tallard* was taken. We arrived Yesterday at *Ulm* with 31 Battalions and 63 Squadrons, without being pursued, and have saved Eighteen Cannon, with part of the Baggage. Of  
your

your Majesty's and the *Bavarian* Troops there are 10000 killed, besides what are taken, but we have very many wounded; abundance of Officers and Soldiers; who have escaped from the Enemy, join us continually. I shall speedily send your Majesty an Account of the State of our Army after the Battle, that it may be compared with that sent by the Elector Five Days ago.

*Ulm, Aug. 15. 1704.*

The Account they were pleased to give us from *Paris*, they made pretty plausible, tho' their Hearts ach'd with the Thoughts of the Loss, and was briefly this: That the Enemies being inform'd, that the French and *Bavarian* Armies had pass'd the *Danube* at *La-wingen* and *Dillingen*, they abandon'd their Design of besieging *Ingolstadt*, and assembled all their Troops except those that were left on the *Rhine*, and so were superior to us by about Forty Squadrons. That the Two Armies marched towards one another, and at Six in the Morning met in Battalia on Two Lines within half a League of *Hochstet*. The Right, commanded by *M. de Tallard*, extended as far as the *Danube*; and the Infantry, which was in the Centre, commanded by the Marquess *de Blainville*, had a Village before them, the Houses of which, and the adjacent Hedges, they possess'd themselves of. That the Body of the Battle, and the Left Wing, had on one Side a Mountain and a Wood, and a Village before them, which was burnt. That the Armies were separated by a Brook of Two Foot broad, that run along the Villages, whose Banks were marshy, but were dried up with the great Heats. That at Eight of the Clock the Artillery began to play, and that of *M. de Tallard* was always superior to the Enemies, and put their Left Wing twice into Disorder as they were forming their Lines. That at Ten of the Clock they attempted to pass the Brook, but were repulsed with great Loss. That at Eleven the *English* Horse attack'd those of the Right Wing, who broke them, and drove them back to their Foot, in Presence of the Elector of *Bavaria*, who hasten'd thither. That from thence he press'd on to the Foot that lined the Village and Hedges, and had the Advantage of those

*Paris Account of the Battle of Hochstet.*

*August.*

of the Enemies. During this Time, the *English* charged the *Gens d'Arms* afresh, and broke them. That his Electoral Highness rallied them, and being sustain'd by the Cavalry, the Enemy were again repulsed; but the Left Wing and the Foot, commanded by the Marquess *de Blainville*, had in Five several Attacks already pierced through and broke the Right Wing of the Enemy with great Slaughter, gain'd their Artillery, and took many Standards and Colours, so that the Elector thought the Victory sure: But that at that same time he had Advice, that the Cavalry of the Right Wing having been attack'd by the Enemies with fresh Troops, were entirely defeated; and that having pass'd the Brook, they had filled the Ground the Troops had before with their own Forces. Then his Electoral Highness finding Night approach, and fearing to be surrounded, thought it time to retreat. That he sent Notice to the Infantry, which was still near the Village, to the Number of 27 Battalions, and Four Regiments of Dragoons, who had always beat the Enemies, to retire, which they might easily have done; but their Commanders resolved to keep their Post, which occasion'd the Loss of the Battle, the Enemies having till then lost a great many more Men than the Elector of *Bavaria*; but then they were more than recompenced by the taking of those 27 Battalions and Four Regiments of Dragoons, which were afterwards obliged to surrender. The rest of the Army, by the Care of *M. de Marsin*, retired in good Order, without breaking any one Battalion or Squadron, often turning and making fierce Discharges on the Enemies, who did not follow them long. That they arrived in this manner at *Lawingen*, where part of the Cavalry of the Right Wing, with some Foot, had rallied. That the Baggage was not lost, as the Enemies gave out, and that they had taken but 25 or 30 Pieces of Cannon. As to the Troops, besides the Prisoners, who were 10000 in Number, including Officers, they had but 12000 killed and wounded, whereas the Enemies had, according to their own Account, 16000 killed and wounded, and they took from them 36 Standards and Colours, and Four Pair of Kettle-Drums. That the Elector of *Bavaria* left the Wounded and a good Gar-



Garrison in *Ulm*, and most of his Infantry, with 23 Squadrons of Horse and Dragoons in *Bavaria*, and continued his March up the *Danube* to *Dülingen*, where he arrived on the 20th, being join'd on his Way by Twelve French Battalions and some Squadrons. That *Villeroy* marched on the 21st with his Army and a great Convoy of Provisions to meet him, and joined him on the 25th with part of his Cavalry, having left the Infantry at *Hornberg*.

These are the Accounts they have thought fit to publish in *France* and the *Netherlands*, but Officers of their Army speak quite otherwise, as you may see in the Three following Abstracts of intercepted Letters.

I Am to inform you, that on *Wednesday* the 13th, French we had the bloodiest Battle that has been fought Officers since the Memory of Man, in which we were entirely routed. M. de *Tallard* is wounded and taken Letter a Prisoner, with many other Generals. Messieurs de Battle of *Surlaube* and *Blainville* are killed, and all our Infantry cut off or taken. Colonel *Tavanet*, the Count *de Verue*, General of Horse, and the Marquess *de Bellefond*, were killed on the Spot. M. de *Montperon*, another General of Horse, wounded. We have been upon the Flight Two Days, and could not reach *Ulm*, the Place appointed for the Rendezvous of the Ruines of our Army, till just now, that Town being Nine large Leagues from the Place of Battle, We were posted behind the *Gens d'Arms*, who were beat back upon us Six times, and we always sustained them, till they were entirely defeated; all the Officers were killed or wounded, except M. de *Prechac* and my self, who did as many others, our Generals shewing us Example. This Morning M. de *Courtebonne*, du *Bourg* and *de Humieres*, made their Escape hither. In a Word, the whole of our Army that is left is in a terrible Consternation. We have lost our Kettle-Drums, Standards, &c.

YOU must certainly have heard of the sad Fate Second of our Army. Never was such a Rout seen, Letter, You will be surprized at the Relation of it when sent you. *Ulm* is so full of wounded Officers, that

August.

we know not where to put them. Judge then what becomes of the poor Soldiers. We had Twelve Leagues to run before we could be in any manner of Safety. I went to M. *Ochladet* to procure me good Lodgings, and I am pretty well, provided I may be suffer'd to enjoy them till I be in a Condition to travel to *Strasbourg*; but I hear we must march again, and for that end abundance of Bridges are laid over the *Iller*. It's impossible for us to stay here; the Enemy is Master of all the Country. If they can stop our Passage, not one French Man will be left alive; for the Boors exercise their Vengeance on us already. I am going to send my Retinue to the Camp, for they are starved here, having eat nothing almost these Three Days. In a Word, all is exhausted. If we be not speedily deliver'd from this Misery, all is lost. Forage is wanting, as well as Provision, and nothing to be had but at a dear Rate. When we repass the *Rhine*, we will give you an Account of our Wants. We are not to rely upon our Neighbour's Purse, nor must we rely any further upon the Country. This Action has vacated abundance of Commissions, all the Officers are almost killed or wounded. If I should send you all their Names, I must write a Volume. The Particulars of the Battle sent to *Paris*, will sufficiently shew you how much the King has lost. Adieu, my dear and most honour'd, &c.

Third  
Letter.

Since the Battle of *Hochstet* on the 13th, that fatal Day, we have led the most miserable Life that can be imagined. The Elector perceiving he should be cut off, if he kept the Field an Hour longer, fled in the Night towards *Lawingen*, and thence to this City; and, lest we should be overtaken, we marched Thirteen Hours without stopping, in which time we measured Nine Leagues. You and the Court may judge what we suffer'd in this sudden and precipitate Retreat, if you consider only that for Two Days together we could get no Provisions but what the Peasants, who were all fled from their Houses, left behind them. The Groans and Complaints of the wounded Officers, who were forced to keep Pace with us, though they had little or no

Ac.

Accommodation for travelling, are not to be expressed. Among the Kill'd are *Messieurs Zurlauben* and *Blainville*, the *Marquess de Verrue*, General of Horse, the *Marquess de Bleson*, and the brave Colonel *Tuane*; in short, only *Monsieur de Montpesac*, 250 other Officers, and my self, came off unhurt; all the rest were killed, taken or wounded; the Loss of *Bavarian* Officers is very great likewise. *Messieurs de Donnar*, *Courtebonne*, *Dunne* and *du Bourg*, were taken by the Enemy in their Flight towards this Place. Of our Four Regiments of Dragoons not 200 Men escaped: All our Baggage, Kettle-Drums, Standards and Artillery are lost: And the Desertion of our Soldiers and of the *Bavarians* is so great, that we cannot well tell what Number of Men the Elector of *Bavaria* has saved; but they cannot be above 15000. We have abundance of sick Men. Forage and Bread is extream scarce, and the Fatigue we are forced to undergo is extream: We can hope for no Ease nor comfortable Subsistence, till we get again to the other Side of the *Rhine*. The Peasants knock all the *French* on the Head that they find straggling, looking upon them as the Authors of their Misery; the Elector, to deter them, has threaten'd to impale them, if they are catch'd. I have nothing to add, but that the Elector of *Bavaria* lays the Blame of our Defeat on the Marshal *de Tallard*, and we on the contrary throw it upon the Elector. I am, &c.

Having proceeded thus far, let us add one Letter more concerning this famous Battle, and the best Account that we have yet seen of the Right Wing of the Enemy, though it seems to favour the Marshal *de Tallard* very much. We are well assured 'tis genuine; and it appears plainly to be written by a Person that had some Command in the *French* Army, but whether it was written by an *Aid de Camp* of the Marshal *de Tallard*, to *Monsieur de Camillard*, (as some report) we cannot positively determine.

Strasburg, the 31st of August, 1704. N. S.

August.  
M. Tallard's Aid  
de Camp's  
Letter about the  
Battle.

31.

THE Army march'd the 12th Instant from *Dillingen* and *Lawingen*, and encamp'd at *Bleinheim*, along a Rivulet which was in the Front of our Camp, which was said to be marshy, but was not so; our Right reaching to the *Danube*, and our Left to a Hill covered with a thin Wood. It was the Elector who press'd to march forward, as believing the Enemy were not joined. And Monsieur *de Tallard* consented to it, relying upon People who had served a Year and half in that Country, to post himself as I have describ'd. The Camp was hardly mark'd out, when Information was brought to the Marshal, that the Enemy appear'd on the other Side of a Rivulet, that ran by the Front of our Camp: He advanced immediately, and having caused some Troops to pass over, the Enemy retired to their Camp. Several People press'd the Elector to march up to them, assuring him that they were not join'd. The Marshals dissuaded him from it, representing to him, that before they advanced they ought to be certainly inform'd. In order to that a great Detachment was sent to approach them nearer, which took some Prisoners, who affirm'd they were join'd: Whereupon our Detachment return'd, and we had no other Thoughts than to encamp. About Five a Clock in the Evening, the Enemy came, in their Turn, to view us, with their great *Piquet*, with whom they advanced as far as *Schauwenghem*, and then retired. The next Day, at Two a Clock in the Morning, the Enemy beat the general March, and advanced in order to attack us. We were still ignorant of their Design at Six a Clock in the Morning; but seeing them advance towards us in Four great Columns, we began to believe they had a mind to fight us. We beat the general March in our Camp, and soon after sounded to Horse: And in that Interim, the Resolution was taken how we should post our selves. That you may comprehend it without a Plan, and at this Distance, I must again describe the Situation of our Camp. Our Right reached to the *Danube*, having the Village of *Bleinheim* in our Front, where was Monsieur *de Tallard's* Quarter; and the Village of *Sousheim* on the Left of

our



our Camp, where was the Elector's Quarter. All the first Line of Monsieur de Tallard's Foot had their Right to the *Danube*, that they might be at hand to be posted in the Village of *Bleinheim*, which was before them. That first Line was of Nineteen Battalions. Then all our first Line of Horse was posted on the Left, next to Monsieur de Marfin's Horse; next to which stood the rest of the Army, which reach'd as far as the Hill, and of which I shall not relate any Particulars, because I was not there, having been sufficiently employ'd in our Right. The second Line was drawn up as usual; that is to say, the Infantry in the Centre; our Two Armies having Communication with one another, and making together 80 Battalions and 140 Squadrons. In the Centre of both our Armies there was a Hill, which commanded all the Plain, and whose Declivity reach'd as far as the Rivulet that ran along the Front of our Camp; and over-against that Hill was a Village, called *Onderglund*, which we caused to be set on Fire, as well as Two Mills that were on the Rivulet, in the Way down to *Bleinheim*; for it was resolv'd only to defend the Passage of the Rivulet and the Morass; and the General Officers were ordered to charge the Enemy as they pass'd, and to take heed not to let too many of them pass. This Resolution being taken, we posted in the Village of *Bleinheim* the 19 Battalions of our first Line; together with our 4 Regiments of Dragoons, on Foot, to the Right, along the *Danube*: On the Left of the Village, or next to it, we had 26 Battalions, and Four Regiments of Dragoons: And from the Village of *Bleinheim* to that of *Aubergland*, we posted on Two Lines, 48 Squadrons of Monsieur de Tallard's Army, and 32 of that of Monsieur de Marfin; and 9 Battalions in the Center: And the Brigades of *Champaigne* and *Bourbonnois*, on the Right of M. de Marfin's Village, that they might be at Hand, to sustain either his Village, or the Right of his Cavalry. We rais'd Batteries in proper Places, and both Armies Cannonaded each other, till 10 or 11 a Clock in the Morning, when the first Attack began. During this Cannonading, Advice was brought to Monsieur de Tallard, that the Enemy march'd a great Number of Infantry to the Right, and that their Design was to

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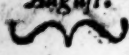
attack the Left of Monsieur de Marcin, at the weakest Part, by reason of the thin Wood to which it reach'd. He went thither with speed. At the same time the Enemy advanced to pass the Rivulet, in the whole Front of the Hill I have mention'd before: All their Horse moving towards the Right of Monsieur de Marcin. Monsieur de Silly and one of his Friends were upon that Hill, and seeing that our Men were drawing off our Battery, they went to them and stopped them; and seeing the *English* preparing themselves to attack the Village of *Bleinheim*, they resolved to cause the first and second Line of Horse to march, as if the Marshal de *Tallard* had been there present. Monsieur de Silly rode up to them full Gallop, and made them indeed advance: But unfortunately the Brigades of the Two Rights did only march, the *Gendarmerie* did not move; which gave the Enemy time to form without Disturbance, several Lines of Horse, in all the space of Ground whither the Troops did not offer to march, till above Three quarters of an Hour after they were first commanded. All the Men the Enemy had in the Bottom of the Vally were repulsed, as well as those who happened to be in the Way of the *Gendarmerie*, who march'd intoxicated with Conceit, and fondly secure of Success. We prepar'd to receive them a Secoud Time, and neglected the great double Lines, which were forming at the Foot of that fatal Hill. Monsieur de Silly had his Horse kill'd under him, and was thinking how to get another; when his Friend, seeing the Marshal de *Tallard*, went to him, and gave him an Account of the Attack of the Village. Monsieur de *Tallard* resolved to go thither, and so the Hill was neglected, what pass'd at the Foot of it not being observed. Monsieur de *Tallard* being got into the Village redoubled his Care to secure that Post. At last he went out of the Village, and returned to the Cavalry. As he came to the Right, the Enemy began a fresh Attack: They advanced in the Village of *Bleinheim* to the very Muzzles of our Musquets, but were repulsed. The *Gendarmerie*, who, with Sword in Hand, thought to have repulsed the Enemy that were before them, were expos'd to the Fire of some Infantry well posted, and were charged by some *English* Squadrons, which made

made them give Way, and drove them beyond a Rivulet they had behind them. In this Charge Messieurs de Zurlauben and d'Inecourt had their Horses killed under them, and the first received Six or Seven Wounds. The Brigade of Silly, through the Intervals of which the *Gendarmes* passed, to rally themselves, charged the *English*, and made them re-pass the Rivulet with precipitation. During this brisk Attack, the Generals of our Left, and of Monsieur de Marsin's Right saw their fatal Oversight; and caused some Brigades to march to the Enemy, whom they saw advanc'd almost to the Top of the Hill. All our Brigades Charged briskly, and made all the Squadrons they attacked give Way: but those Squadrons being supported by several Lines of Horse and Foot, our Men were forced to give back upon our Second Line, which being at some Distance, gave the Enemy time to gain Ground, which they maintain'd by their Numbers, and their *slow and close march*. We rallied the Squadrons of our first Line, and they charged again with the same Success, but were still overpower'd. Monsieur de Tallard mix'd the Brigades of the Second Line, with our Cavalry, with Design to make a last Effort, to break the double Line of the Enemy. Our Men march'd up to them gallantly, and the Enemy's first Line gave back upon the Second. We gain'd some Ground, and advanced to charge the Second Line; but this being sustain'd by a Third and a Fourth, *our Horse fled, and our poor Battalions were cut in Pieces*. We rallied again our broken Cavalry, which were diminished by the Charges, and formed now but one Line. Things being in this Condition, Monsieur de Tallard considered it was high time to draw off the Dragoons and Infantry out of the Village of *Bleinheim*, and resolv'd upon it, exhorting his Cavalry to stand their Ground. He sent a trusty Person to Monsieur de Marsin, to desire him to Face the Enemy with some Troops on the Right of his Village; to keep them in Play, to favour the Retreat of our Infantry: But Monsieur de Marsin represented to that Person, that he had too much Business in the Front of his Village, and the rest of his Line, to spare any Troops; as not being Victorious, but only maintaining his Ground. During this Discourse our Horse

faced



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 faced the Enemy; but, on the sudden, they were ordered to wheel about, which was done with all the Disorder you can imagine: In short, it was so precipitate a Flight, that many cast themselves into the *Danube*, the Enemy having sent Three Regiments of Dragoons to pursue them. Monsieur de Tallard was encompassed with those that fled, and taken. Messieurs de Monpeyrroux, de la Valliere, Silly, Sepaille, Masselliere, Saint Pouange, Ligonde, and several others, were also made Prisoners. The taking of Monsieur de Tallard is a great Loss to the King: For 'tis certain, that with his Infantry, he might have made a very honourable Retreat; whereas that Infantry is now the *Laughing-stock of Nations*; and will be long useless to the King, in a War so violent as this is. In short, to give you an Account of all that happen'd on that fatal Day, part of our Cavalry, and all the *Gendarmerie*, having retired towards the *Danube*, into a kind of Nook or Angle, which formed a Peninsula, they found themselves cut off from the rest of the Army; which forc'd many brave Men to throw themselves into the *Danube* to save themselves. The News of this being brought to Grignan's Brigade, which was retired more to the Left, to pass the Morais at *Hochster*, they rallied and marched to the Enemy, and made them abandon the Defile or Neck of that Peninsula; and so disingaged all those who were not either kill'd or taken: And then forming themselves upon the Hill of *Hochster*, marched on facing the Enemy, which gave us time to bring off the wounded from that place. This was the sad Fate of a brisk and good Cavalry, which might have been used to better purpose; for which we give over lamenting, as soon as we begin to consider the wretched Destiny of our Regiments of Foot. Messieurs de Clerambaut and Blanzac, commanded the Dragoons and Infantry in the Village of *Bleinheim*; and all that we learn from some Officers, who were made Prisoners, and are come to our Camp, is, that Monsieur de Clerambaut without taking a Resolution worthy of his Name with a powerful Body which was yet entire, as soon as he saw the Rout of our Cavalry, caused his Postillion to sound the *Danube*, and following him himself was drowned. The Enemy having surrounded the Village of *Bleinheim* by



several Lines, advanced to streighten it close on the left Flank, where our Right of Horse was before posted: Our Men were soon frighten'd, and the Colonel of the Royal Regiment bethought himself of saving his Life, and those of his Soldiers; whom he caused to lay down their Arms, and himself Surrendered the Colours. The Regiment of *Zurlaube*, which was also in the left Flank, put themselves into Disorder, and entred the Center of the Village in Confusion. Monsieur de *Siviere* seeing this Disorder, call'd the Regiments of *Provence* and *Arton*, and all that were Resolute, to him; and with Sword in Hand, drove the Enemy to the very Head of their Cavalry, and returned to the Village leisurely. Monsieur de *Siviere* had his Wrist broken. The Duke of *Marlbrough* judging rightly, that there were old Troops in that Place, the overcoming of which would cost him dear, made use of Monsieur de *Nonville*, his Prisoner, to exhort them to accept of their Lives. They had much ado to get the consent of the Regiment of *Navarre*, who buried their Colours. All yielded. The Articles were Signed: But *Siviere* and *Joury* refused to set their Hands to it. They were all Disarmed, and their Colours taken from them. *Grief will not suffer me to carry this Recital any further.* You may well imagine what a sad Spectacle it was to see 26 Battalions, and Four Regiments of Dragoons Prisoners. I leave that melancholy Idea, and return to the Village of *Aubergland*, the Quarter of Monsieur de *Marsin*. When he saw the Horse of his Right and our Routed, he bethought himself of Retreating with his Left, who, through the Care of the Count de *Bourg* had always repulsed the Enemy, having charged them as they were half passed the Rivulet. He drew off all his Infantry, and march'd leisurely as far as the Morass of *Hochstet*, which he repass'd in good Order, and came to *Lawingen*, where the Resolution was taken to send all the Horse to *Ulm*, by *Goderingen*, and to cause the Baggage to pass the *Danube* all the Night. In the Morning we drew off all the Infantry, and came to encamp at *Lipent*, leaving 1000 Men at *Lawingen*, with Orders to retreat as soon as the Enemy should appear, and to burn the Bridge, which was done: And marching since with Precipitation,

we

August.

we bring to the King the Remains of an Army, *attacked to Death*, and which is no otherwife Guilty, than for the Non-performance of the positive Order which had been given, not to let the Enemy pass the River; and to charge them as they passed, *altogether*, and not by Divisions; they being a formidable Body, which at last penetrated into our Center, and surrounded the Infantry I am, &c.

Computation of Loss in the Battle of Hochstedt.

Tho' the Reader may, by what has been already said, make some confused Computation of the Loss on each Side, it's fit we should be somewhat more particular. So great and complete a Victory could not be bought cheap; it cost the Allies 4487 Men killed, 7523 wounded, and 273 lost, or made Prisoners, which amount to 12081; the Lists which have been made of the Loss of the several Troops, which composed the Two Wings, make, in all, this Number.

Here are the Particulars of the Loss of our Two Wings.

### Right WING.

|                      | Officers. |        | Soldiers. |          |
|----------------------|-----------|--------|-----------|----------|
|                      | Dead.     | Wound. | Dead.     | Wounded. |
| Imperial Horse       | 15        | 26     | 232       | 354      |
| Danish Horse         | 28        | 49     | 170       | 565      |
| Prussian Horse       | 43        | 54     | 587       | 1096     |
| Troops of the Circle | 25        | 39     | 291       | 363      |

### Left WING.

|                 |    |     |     |      |
|-----------------|----|-----|-----|------|
| English Troops  | 51 | 147 | 625 | 1381 |
| Dutch Troops    | 54 | 99  | 622 | 1371 |
| Danish Horse    | 20 | 40  | 495 | 394  |
| Lunenburgers    | 20 | 71  | 394 | 344  |
| Troops of Hesse | 17 | 58  | 174 | 673  |

The Number of Horses belonging to the Artillery or Cavalry, killed, wounded or lost, is only 1664.

The Enemies Loss, according to their own Confession, amounted to near 40000 Men, as we were informed by intercepted Letters; They including in this

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this Number, 4 or 5000 Men lost in their Retreat to the *Black-Forrest*; either by Desertion, or by the pursuit of the *Hussars* and *Peasants*, who made a great Slaughter of the Straglers. And, if it be considered, that after an exact computation, the Number of Prisoners the Allies made exceeded 13000 Men, of which there were more than 1200 Officers; That we cut in Pieces 10 *Fraesch* Battalions on their Right, and overthrew into the *Danube* near 30 Squadrons; That the Left Wind, (especially the Foot) did also suffer very much; That the Number of the Wounded whom they brought off from *Ulm*, exceeded 7000 Men, above 1000 of whom were Officers, insomuch, (that the Horses of 1200 Carts, which the Elector caused to be burnt, were employed to carry them, in Litters) it must be owned that those intercepted Letters speak within Compass, add to all this, that above 3000 *Germans*, or *Switzers*, that were taken Prisoners, listed themselves in our Troops.

It's time now we should see how this Victory was entertain'd at *Vienna*, by which, indeed, the House of *Austria* was saved from Ruine; and if it had expected more, it must have been nothing less than a Miracle; and it appears plainly the Emperor himself had no mean Opinion of it, by the Two following Letters to the Duke of *Marlborough* and the States-General.

**M**ost Illustrious Cousin, and most Dear Prince. Emperor's Letter to the Duke of Marlborough. 28.  
I do gladly call by these Names your *Dilection*, whom I have freely and of my own accord admitted among the Princes of the Holy Roman Empire; not so much in consideration of your Noble Family, as upon account of your Personal Merit, and your great Deserts towards my August House, and the Holy Roman Empire. I have been willing that this Publick Monument of the Supreme Honour in *Germany*, which I have so deservedly conferr'd upon you, should remain, that it may be more and more made appear to all the World how much, as I freely own it, I and all the Empire owe to the most Serene Queen of Great Britain, for having sent her powerful Assistances as far as *Augsburgh* and *Bavaria* it self, under your Conduct, when my own Affairs, and those of the

August.

the Empire were so much shaken and disordered by the perfidious defection of the *Bavarian* to the *French*, and also to your *Dilection*, upon Account that Things have been so prudently, so vigorously and successfully Transacted; for not only Fame, but likewise the Generals of my Forces, the Companions and Sharers of your Labours and Victories, attribute the same chiefly to your Counsels, and the Valour and Bravery of the *English* and other Forces, who fought under your Conduct. These Actions are so great, and particularly that of *Hochster*, past Ages having never seen the like Victory obtained over the *French*, that we may rejoice to see, not only the most pernicious Efforts of the Enemy repulsed, and the Affairs of *Germany*, which were somewhat tottering, or those of all *Europe* secur'd and settled again, but likewise that it may be reasonably hop'd, that the full and perfect Liberty of the Christian World shall be rescued from the Power of *France*, which was so imminently impending over it. Being entirely perswaded and sure, that your *Dilection* will, without Intermision, apply all your Care and Industry towards that End: There remains nothing else for me, but to wish you a prosperous Success, and that I assure you of further Marks of my Gratitude upon all Occasions, which I shall be ready to express.

*Given in the City of Vienna, August 28. 1704.*

As for that to the States, it runs thus:

LEOPOLDUS, &c.

Empe-  
ror's Let-  
ter to the  
States.  
28.

THE happy Issue of the bloody Battle lately fought at *Hochster*, which exceeded all Expectation, has raised a common Joy in the Minds of all the Confederates. We, who extend that Joy farther than to what relates to our own Concerns, have received no small Satisfaction from this, that when our Affairs and those of the Empire were brought into a staggering Condition by the Troubles of *Bavaria* and elsewhere, and stood in apparent Need of your Help, that you have Cause to rejoice that you granted the same, not without Effect, and to your great Renown. This you have the more Reason to conceive, since the Commanders in chief of our Troops,



'Troops, acquaint us, to your great Honour, that the Fidelity, Valour and Fortitude of your Officers and Soldiers, were signalized to a Wonder in the said Battle, and did not a little contribute to the Victory. Since this gives us Occasion to congratulate you, and to return you our hearty Thanks, we do both of them with the greatest Chearfulness, and with an Affection that Words cannot express. We oblige our selves ever to retain a Friendly Remembrance of this your extraordinary Affection and Assistance, and thankfully to repay it; and further, we pray the most High God always to preserve you and your Republick from Calamities, and make you prosperous by a successful Issue of your Councils and Actions.

Given at our good City of Vienna, Aug. 30. 1704.

The wish'd for Accommodation in Hungary going on but slowly, and the Affairs of Poland at this time being not of so much Moment as to require our travelling thither, we shall only content our selves with observing, that the *Muscovites*, on the 21<sup>st</sup>, took *Nerva* *Muscovites take Nerva.* by Assault, the Czar permitting his Soldiers to plunder the Town for Three Hours. The Garrison was put to the Sword; but Major-General Horn had the good Fortune to save himself, with Fifteen Officers more, in the Castle of *Inmogrod*, which he surrendered upon Articles.

However, before we leave these Parts, we must not omit remarking, that the Magistrates and People of the City of *Dantzick*, having long had a difficult Game to play between the contending Kings of Sweden and Poland, (for, after the King of Sweden had by the Terrour of his Arms, forced them to comply with his Demands, King *Augustus* made a Crime of that forced Compliance, and threaten'd them hard (when it should be in his Power, unless they satisfied his Demands likewise,) and apprehending justly, from what they had experienced, that they might in the Progress of the War in Poland, be exposed to the Insults of either Party that should find themselves in a Condition of making any Demands or Attempts upon them on any Pretence; they cast about how to preserve themselves, by making an Alliance in

*August* time with such Potentates as were able, and might think it worth their while, to protect them. In this View they applied themselves to the Queen of England, the King of Prussia, the King of Denmark, and the States-General of the United Netherlands: And those Potentates consenting to enter into an Alliance for the Security of *Dantzick*, the Form and Tenour of that Alliance (they told us) were actually negotiated, when the King of Prussia made a separate Treaty with that City. At which the Three Potentates expressing some Uneasiness, his Prussian Majesty ordered his Ministers to deliver a Declaration to them, to satisfy them. The Articles of the separate Treaty we have mentioned are these.

Treaty between the King of Prussia and Dantzick.  
26.

## I.

This Treaty shall not be Prejudicial in any Manner to the Crown of Poland, nor to the City of *Dantzick*, nor to its Incorporation with Poland, nor to its Freedom of Religion, nor to its other Rights and Privileges.

## II.

His Prussian Majesty's General shall be careful to assist the City with all his Forces, as effectually as if it were dependant on the King his Master; and his Majesty shall make no Treaty with other Potentates, without including the City in it, as much as his own Subjects are included.

## III.

The King shall forthwith furnish the City with 2000 Men; that is to say, 1500 Foot and 500 Horse: Or, if the City had rather, they shall be all Foot; and that Number shall be increased if desir'd.

## IV.

If the City receive half a Regiment, it shall be oblig'd to take half the Officers; and if it takes an entire Regiment, it shall have all the Officers. Such Troops shall take an Oath to the City to acquit themselves bravely and faithfully on Occasion, but shall obey his Majesty's Orders.

## V.

If any Person of such Troops shall commit any Crime or Fault, on the Guard or elsewhere, he shall be punished by the Governor of the City, with the Consent of the Prussian Officers, who shall be consulted on Occasion; and without whose Approbation nothing that may be prejudicial or hazardous shall be transacted.

## VI.

When the said Troops shall be in Garrison in the City or its Suburbs, they shall be paid Monthly, as the Ordinary Garrison of the City; but if they are Quarter'd in the Territory depending on the City, they shall be subsisted and paid in the same manner as is practic'd in his Majesty's Territories.

## VII.

## VII.

When the City finds it has no farther Occasion for the said Troops; it may send them back again, after notifying such their intention a Month before to his Majesty.

## VIII.

The City shall allow free Passage through its Territory to his Majesty's Troops; as well from *Pomerania* to *Prussia*, as from *Prussia* to *Pomerania*; and the *Prussian* Commissaries shall oblige the Peasants of the said Territory to furnish the necessary Provisions. But when the said Troops are to pass through the City, only 100 Men shall pass at a Time, and shall be conducted through by a Guard, to the End the Burghers may be under no Apprehension.

## IX.

If the King shall be attacked by a Foreign Enemy, the City shall give no Assistance to such Enemy, except it shall happen to be the Crown of *Poland*.

## X.

His Majesty agrees to the regulating of the Posts, and will take Care they shall pass and repass without Hindrance.

## XI.

As also that the Grievances about the *Strohm Geld* shall be redressed, to the Satisfaction of the City.

## XII.

His Majesty shall defend the City, in Case any Attempt be made to trouble it, on account of the Confederacy of *Warsaw*.

## XIII.

His Majesty shall assist the City, in Case it be molested on the account of the Inheritance of *Rath*.

## XIV.

This Treaty shall last 10 Years, and even during his Majesty's Life, if he outlive that Term. After his Death the City shall be at Liberty to continue it longer or not. Mean time the Ratification of this Treaty shall be performed within 6 Weeks, and under the Seal of the City.

*Berlin, Aug. 26. 1704.*

*Secret Articles.*

## I.

The King shall have Liberty to raise Recruits in the City for the Troops he shall have in it; and likewise to make other Levies in its Territory; but all secretly.

## II.

The City shall pay to his Majesty 5000 Crowns a Year, as an Acknowledgment for his Royal Protection.

## III.

The Quadruple Alliance which is in Agitation to be concluded in favour of the City, shall be the Foundation of this Treaty,

August.

Treaty, and the City shall not be taken into his Majesty's Protection before the Conclusion of the said Treaty.

Berlin, Aug. 26. 1704.

*Italy* likewise this Month seems to be barren for Matter of History. I give no Credit to the News we had about this time, that it was debated in a full Senate at *Venice*, Whether they should declare War against *France* or continue Neuter; and that the Plurality of Voices carried it for the latter. The *Germans*, under Count *Leiningen*, were not yet return'd out of the *Termin* into *Italy*; and the Duke of *Vendosme* had not invested *Ivrea* in *Piedmont* till the 30th, and therefore we have no Occasion to tarry here for the present, only the Reader may take along with him the following Letter of the *French* King to the Duke of *Savoy*, to notify the Birth of the Duke of *Bretagne*, in these Terms:

Fr. King's  
Letter to  
the Duke of  
*Savoy*.

'THE Dutcheſs of *Burgundy* has very much rejoiced me, by bringing me a great Grandſon, whom I have named Duke of *Bretagne*. In Conſideration of this dear Child, I offer you Peace on ſuch Conditions as my Couſin the Duke of *Vendosme* ſhall propoſe to you. Conſider it well, and reſolve to accept the Friendſhip of a King, who cannot hate his own Blood.

L O U I S.

Prails of  
the *Switzers*.

The Tranſactions in *Switzerland* alſo afford nothing very material this Month, in reſpect to the general Concerns of *Europe*. But while the Cantons carefully avoided to enter upon any Meaſures that might cauſe any Breach between them and their Neighbours, the Enemies of their common Tranquility fomented an intestine Diviſion, which was likely to embroil them into a Civil War. The Country called *Turgow* depends on the Seven Cantons, that firſt confederated themſelves, and the Inhabitants are Proteſtants and Roman Catholicks, having ſeparate Churches of their own. The Proteſtant Miniſter of *Newkirch* uſed formerly to preach but one Sermon the *Sunday*, and another ſome other Day in the Week, but his Congregation growing ſo numerous that they could not all at once meet in the Church, he thought it neceſſary to preach twice every *Sunday*, and thrice in the Week, that all might partake of Divine Service. This the Papiſts miſrepreſented as an Innovation, and the Bailiff of *Turgow*, appointed by the Popiſh Canton of *Uri*, oppoſed it by Order of the Roman Catholick Cantons. The Canton of *Zurich*, who were equally with the reſt Sovereign of the Country of *Turgow*, and Proteſtors of the Proteſtants of that Diſtrict, declared in Favour of the Miniſter of *Newkirch*, and maintain'd,



tain'd, that the Multiplying his Sermons, as he should think necessary for the Edification of the People, could not be construed as an Innovation, and commended his Zeal therein. The Inhabitants of *Tockenburgh*, under the Abbot of *St. Gall*, being near *Newkirch*, used to repair thither to perform the Exercise of their Religion, and, notwithstanding the Papists received no manner of Prejudice thereby, that was exclaimed against as a Grievance, and their Bailiff forbid him to go thither upon Pain of Imprisonment. The Canton of *Zurich*, being not able to bear any longer with such Insolencies, signify'd to that Magistrate, that if he offer'd to molest the Protestants, they would take care to retaliate the same upon the Papists; the said Canton, at the Desire of that of *Bern*, summon'd a General Dyer at *Baden* against the 18th of *September*; of which more in due Place.

In the mean time, the Magistracy and Senate, with the Burghership of the Town of *Raperswy*, having deposed their Avoyer from his Office, the Cantons of *Lucern*, *Uri*, *Switz* and *Underwald*, as Protectors of the said Town, would restore him in spite of the Senate and Burghership, and for that End put Eighty arm'd Men into the Castle and Convent of the *Cupushins*, on Pretence to awe the Malecontents. The Burghers of this Town, which is a sort of a separate Republick, are but few in Number, and the Town being situated on the Frontiers of the Canton of *Zurich*, and part of it on their Territories, they had Recourse to those of *Zurich*, who were greatly interested to hinder the Roman Catholick Cantons from making themselves absolute Masters of it, this Town serving in some sort for a Check upon them, and therefore they thought fit immediately to send a Deputation to endeavour to appease this Difference, if possible; and, if not, to have a watchful Eye over the Motions of the Roman Catholick Cantons, and to hinder them from seizing the whole Town, on the Pretence above-mentioned. This Affair also made a great Noise, and the Marquess de *Puisieux* sent the following Letter to the Canton of *Zurich*, upon Account of those Differences,

*Magnificent Lords,*

I Am sorry to hear, that the Differences between you and some of the Laudable Cantons of *Newkirch*, is so far from being accommodated in a friendly Manner, as it ought, that I am sorry to hear that this Affair seems to threaten the Repose and Union which reigns in the *Helvetick* Body. The Subject of your Difference seem'd to me at first to be of so small Importance, that I did not doubt but your usual Wisdom would find out Means to crush it in its Infancy; but finding my self mistaken, I am obliged, according to the Orders I have received

M. Puisieux  
his Letter  
to Zurich.

August.

from the King my Master, to represent to you, that you ought carefully to avoid any thing that may disturb the happy Tranquility of your Country, and on the contrary to study all possible Methods to maintain a Confederate Union and Amity among your selves, which are the strongest Supporters of the Liberty your Ancestors purchased for you by the Effusion of much Blood. Consider, pray you, Magnificent Lords, with what great Care and Precaution you endeavour to remove the Calamities of War from your Frontiers? Why do not the same Precautions serve to redouble your Care not to introduce into the Heart of your Country that which you are sorry to see among your Neighbours. Suffer me to exhort you to weigh well the Importance and Consequences of a Rupture among your selves, I am sure that if you suffer your selves to be guided by prudent Considerations, you will never run into mischievous and dangerous Extreams. All the Laudable Cantons are not concern'd in the Affair of *Newkirch*, suffer those that are impartial, and who seek in this Affair nothing but the publick Good and Advantage of their Country, to accommodate this Affair in a friendly manner, confide in their wise Counsels, assure your selves that they will find Means equally satisfactory to both Parties, and give me an Opportunity to assure his Majesty, that the Representations I made unto you on his Part are acceptable to you, that you are sensible of the Interest he takes in all that can be most advantageous to you, and that you acknowledge in its full Extent, the particular Esteem he has for your Laudable Republick. As for me, Magnificent Lords, I am sure you perceive, that I never execute the King's Orders with more Zeal and Pleasure, than when they tend to your Advantage. Consider, I conjure you, the Contents of this Letter, as a very evident Testimony of the Continuance of his Majesty's good Will, and a sincere Affection on my part. I pray God, &c.

*Soluthern, Aug. 16. 1704.*

*Magnificent Lords,*

*Your Affectionate Servant,*

PUISIEUX,

This Letter of the *French Minister* was kindly received, tho' it was suspected some of his Emisaries had somented those Divisions, in order to prevent the Cantons from taking an unanimous Resolution on the Affairs of *Swiss*. However, some *Imperial* Recruits continuing to file towards *Piedmont*, the *French Ambassador* did his utmost to have them stop the Way on that Side, by the following Letter to the Canton of *Zurich*.

*Mag*

Magnificent Lords,

I Send you the Copy of a Rout, which will convince you, that I am not ignorant of the Facility with which you give Passage to the Recruits which are marching to join the Body of Forces commanded by Count Staremberg in Piedmont. This is the Third Rout that is come to my Hands, but I forbore to complain thereof, in Hopes that the Laudable Cantons themselves would oppose that Passage, and rather the more, because it is not only contrary to the Alliance with the King my Master and You, but also with the Neutrality which you seem to keep with the Powers engaged in the War, and to the Regulation that was made at Baden concerning the Officers and their Recruits, who were to pass through your Territories to join his Majesty's Army in Bavaria. I desire you, Magnificent Lords, to give such Orders, that that Practice may be no longer tolerated. You are too clear sighted not to perceive the Consequences thereof, and too prudent not to prevent them. The extream Regard I always had for you, and the Desire I have to give you true Proofs thereof, have hindered me from acquainting the King with the Subject Matter of this Letter, and therefore I flatter my self, that your speedy Answer, and such as I ought to expect, will save me the Trouble of informing his Majesty with this Affair, which you will own your self to be of such Nature, that he would not fail to order me to make just Complaints to you on his Part in stronger Terms. I take this Opportunity to, assure you, that I shall always think my self happy to contribute what can be acceptable to you, &c.

Solusbern, Aug. 13. 1704.

P U I S I E U X,

We'll leave the Cantons to consider of an Answer thereunto, and having nothing of any Moment to call us into France, Spain or Portugal, let us take Shipping at the nearest Port, and survey the Sea Fight, which happen'd on the 24th, N. S. 10 or 12 Leagues off of Malaga, which was so considerable, and made such a Noise, because both Parties pretended to have had the Advantage, that we cannot be too exact in relating the same. And seeing the Scene was on the Spanish Coast, we shall insert here the several Accounts published by the English, Dutch and French, without any Regard to the Places where they were published, and shall begin with the Relation sent by Sir George Rook, Vice-Admiral of England.



August.  
Sir George  
Rook's Ac-  
count of the  
Fight.  
27. O. S.

ON the 9th Instant, returning from watering our Ships on the Coast of *Barbary* to *Gibraltar*, with little Wind Easterly, our Scouts to the Windward made the Signals of seeing the Enemies Fleet, which, according to the Account they give, consisted of 66 Sail, and were about Ten Leagues to Windward of us. A Council of Flag-Officers was called, wherein it was determined to lay to the Eastward of *Gibraltar* to receive and engage them; but perceiving that Night, by the Report of their Signal Guns, that they wrought from us, we followed them in the Morning with all the Sail we could make.

On the 11th. we forced one of the Enemies Ships ashore near *Fuengorolo*; the Crew quitted her, set her on Fire, and she blew up immediately. We continued still pursuing them; and the 12th. not hearing any of their Guns at Night, nor seeing any of their Scouts in the Morning our Admiral had a Jealousie they might make a Double, and by the help of their Gallies slip between us and the Shore to the Westward; so that a Council of War was called, wherein it was resolved, That in Case we did not see the Enemy before Night, we should make the best of our Way to *Gibraltar*; but standing in to the Shore about Noon; we discovered the Enemies Fleet and Gallies to the Westward, near Cape *Malaga*, going away large. We immediately made all the Sail we could after them, and continued the Chase all Night.

On Sunday the 13th. in the Morning, we were within Three Leagues of the Enemy, who brought to with their Heads to the Southward, the Wind being Easterly, formed their Line, and lay to receive us. Their Line consisted of 52 Ships; and 24 Gallies; they were very strong in the Center, and weaker in the Van and Rear, to supply which, most of the Gallies were divided into those Quarters. In the Center was *Monieur de Thoulouse* with the *White Squadron*; in the Van the *White* and *Blue*; and in the Rear the *Blue*; each Admiral had his Vice and Rear-Admiral. Our Line consisted of 53 Ships; the Admiral, and Rear-Admiral *Bing's* and *Dill's* being in the Center, *Sir Cloudesly Shovel* and *Sir John Leak* led the Van, and the *Dutch* the Rear.

The Admiral ordered the *Smallow* and *Pamper*, with the *Lark* and *Newport*, and Two Fireships, to lie to the Windward of us, that in Case the Enemies Van should push thro' our Lines with their Gallies and Fireships, they might give them some Diversion.

We bore down upon the Enemy in Order of Battle, a little after Ten a Clock, when being about half Gun shot from them, they set all their Sails at once, and seemed to intend



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to stretch a Head, and weather us, so that our Admiral, after firing a Chace Gun at the *French* Admiral to stay for him, of which he took no notice, put the Signal out, and began the Battle, which fell very heavy on the *Royal Katherine*, the *St. George*, and the *Shrewsbury*. About Two in the Afternoon, the Enemies Van gave way to ours, and the Battle ended with the Day, when the Enemy went away by the help of their Gallies to the Leeward. In the Night the Wind shifted to the Northward, and in the Morning to the Westward, which gave the Enemy the Wind of us: We lay by all Day within Three Leagues of one another, repairing our Defects, and at Night they filed and stood to the Northward.

On the 15th. in the Morning, the Enemy was got 4 or 5 Leagues to the Windward of us; but a little before Noon we had a Breeze of Wind Easterly, with which we bore down on them till Four a Clock after Noon: It being too late to engage, we brought to, and lay by with our Heads to the Northward all Night.

On the 16th, in the Morning, the Wind being still Easterly, hazy Weather, and having no sight of the Enemy, or their Scouts, we filed and bore away to the Westward, supposing they would have gone away for *Cadiz*; but being advised from *Gibraltar*, and the Coast of *Barbary*, that they did not pass the *Streights*, we concluded they had been so severely treated, as to oblige them to return to *Toulon*.

The Admiral says, he must do the Officers the Justice to say, that every Man in the Line did his Duty without the least Umbrage for Censure or Reflection, and that he never observed the true *English* Spirit so apparent and prevalent in our Seamen, as on this Occasion.

This Battle is so much the more Glorious to Her Majesty's Arms, because the Enemy had a Superiority of 600 Great Guns; and likewise the Advantage of cleaner Ships, being lately come out of the Port; not to mention the great Use of their Gallies in Towing on or off their Great Ships, and in supplying them with fresh Men as often as they had any killed or disabled: But all these Disadvantages were surmounted by the Bravery and good Conduct of our Officers, and the undaunted Courage of our Seamen.

A List of the *English*, wounded 1632, slain 687, besides Officers wounded 31, slain 8, in all killed and wounded 2358. The Chief Officers killed were Sir *Andrew Lake*, and Captain *Cow*.

In the mean time, the Admiral having left 2000 *English* Marines in *Gibraltar*, with a sufficient quantity of Stores and Provisions, and 48 Guns, besides 100 that were in the

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Town before, and the Season of the Year being far advanc'd, we'll leave him to return home with the great Ships, and hear what Sir *Cloudesley Shovel* says of this Action.

Sir C. Shovel's Letter.

**T**HIS brings the News of my Health, and that we are on our Way Homeward: that which sends us Home so soon is, a very sharp Engagement we have had with the French; our Number of Ships that fought in the Last of Battle were pretty equal; I think they were 29, and we 53; but Sir *George Rook* reserved some of the 50 Gun Ships, to observe if they attempted any thing with their Gallies, of which they had 24. Their Ships did far exceed in Bigness, I judge they had 17 Three Deck Ships, and we had but 7. The Battle began on Sunday the 13th Instant, soon after Ten in the Morning, and in the Centre and Rear of the Fleet it continued till Night parted; but in the Van of the Fleet, where I commanded, and lead by Sir *John Leake*, we having the Weather-gage, gave me an Opportunity of coming as near as I pleased, which was within Pistol-Shot, before I fired a Gun, through which Means, and God's Assistance, the Enemy declined us, and were upon the Run in less than Four Hours, by which time we had little Wind, and their Gallies row'd off their lame Ships and others as they pleased; for the Admiral of the White and Blue, with whom we fought, had Seven Gallies tending upon him. As soon as the Enemy got out of Reach of our Guns, and the Battle continuing pretty hot astern, and some of our Ships in the Admiral's Squadron towing out of the Line, which I understood afterwards was for want of Shot, I order'd all the Ships of my Division to slack all their Sails to close the Line in the Center; this Working had that good Effect, that several of the Enemies Ships astern, which had kept their Line, having their Top-Sails and Fore-Sails set, shot up abreast of us, as the Rear-Admiral of the White and Blue, and some of his Division; and the Vice-Admiral of the White, and some of his Division; but they were so warmly received, before they got a Broadside, that with their Boats ahead, and their Sprit-Sails set, they tow'd from us, without giving us the Opportunity of firing at them.

The Ships that suffer'd most in my Division were the *Lenox*, *Waspigbr*, *Tilbury* and *Swifsure*, the rest escaped pretty well, and I the best of all, though I never took greater Pains in all my Life to have been soundly beaten; for I set all my Sails, and row'd with Three Boats ahead to get a Long side with the Admiral of the White and Blue; but he outlasting me, shunn'd fighting, and lay a long side of the little Ships; Notwithstanding, the En-

Engagement was very sharp, and I think the like between  
Two Fleets never has been in any Time. There is hardly  
a Ship that must not shift one Mast, and some must shift  
all, a great many have suffered much, but none more than  
Sir George Rooke, and Captain Jennings in the St. George.  
God send us well home, I believe we have not Three spare  
Top-masts nor Three Fishes in the Fleet, and I judge there  
is Ten Jary Top-masts now up. After the Fight we lay  
Two Days in sight of the Enemy, preparing for a Second  
Engagement, but the Enemy declin'd and stood from us in  
the Night. I am of Opinion the Enemy would have gi-  
ven way in the Center before Night, had not several of our  
Ships towed out of the Line of Battle for want of Shot, and  
the Dutch were in the Rear with little Ships, (the Admiral  
carrying but 64 Guns) they fought very well, but had not  
Weight enough to make the Enemy give Way. We did  
not lose one Ship, nor can I say the Enemy lost any: Of  
our Captains Sir Andrew Lake and Cow were kill'd, and  
Mings, Kirton, Jumper, and Baker were wounded, but are  
like to do well: Of the Lieutenants, Captain Jennings's  
Son, and Lestock's youngest Son, and some others kill'd. A-  
mong the wounded are Edsbury, my 3d and 5th Lieutenants,  
but like to do well. Mr. Carew tells me there is about  
3000 kill'd and wounded, 300 of which are Dutch. Two  
Days after the Engagement, the Dutch Admiral's Ship, by  
an unknown Accident, blew up, only Nine Men saved.  
They lost none in the Fight. 'Tis reported in Spain, that  
the Enemy had Four Ships and Gallies sunk.

Yours, &c.

Sir Andrew Lake and Capt. Cow were kill'd. And 695 in-  
ferior Officers and Seamen were kill'd and 1663 wounded.

We thought to have pursued the farther Relation of  
this Fight from other Parts, but that not falling within  
the Compas of this Month, we'll content our selves at  
present with a List of both Fleets.

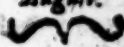
*August.* A LIST of the English Men of War (as disposed in Line of Battle) with the Frigats and Fireships that were with Sir George Rook.

| Ships.                        |                | Commanders.      | Men. Guns.     |        |
|-------------------------------|----------------|------------------|----------------|--------|
| A List of the<br>Engl. Fleet. | Somerset       | Captain          | Price          | 500 80 |
|                               | Essex          |                  | Hubbard        | 440 70 |
|                               | Triton         |                  | Trevor         | 230 50 |
|                               | Dorsetshire    |                  | Whitaker       | 500 82 |
|                               | Ranelagh       | Geo. Bing, Esq;  | J. Cow         | 535 83 |
|                               | Torbay         | Rear-Admiral     | Caldwell       | 500 80 |
|                               | Centurion      | of the Red.      | Herne          | 280 56 |
|                               | Kingston       |                  | Aston          | 365 60 |
|                               | La Firme       |                  | Wilde          | 440 70 |
|                               | Charles Galley |                  |                | 32     |
| Vulture Fireship              |                |                  |                |        |
| Grafton                       |                |                  | Sir Andr. Lake | 440 70 |
| Nassau                        |                |                  | Dove           | 440 70 |
| Montague                      |                |                  | Cleaveland     | 565 60 |
| St. George                    |                |                  | Jennings       | 680 96 |
| Royal Kath.                   |                | Sir Geo. Rook,   |                | 730 90 |
| Eagle                         |                | Admiral of       | Ld. Hamilton   | 440 70 |
| Monmouth                      |                | the Red.         | Baker          | 440 70 |
| Panther                       |                |                  | Bertie         | 280 50 |
| Shrewsbury                    |                |                  | Crow           | 500 80 |
| Lark                          |                |                  |                | 40     |
| Newport                       |                |                  |                | 24     |
| Hunter                        |                | } Fireships.     |                |        |
| Phoenix                       |                |                  |                |        |
| Jeffrys, Hospital.            |                |                  |                |        |
| Hare                          |                | } Bomb.          |                |        |
| Terrour                       |                |                  |                |        |
| William and Mary Yacht.       |                |                  |                |        |
| Bedford                       |                |                  | Sir Tho. Hardy | 440 70 |
| Swallow                       |                |                  | Haddock        | 280 50 |
| Suffolk                       |                |                  | Kirton         | 440 70 |
| Royal Oak                     |                |                  | Elwis          | 500 76 |
| Kent                          |                | Tho. Dilks, Esq; | Harman         | 400 70 |
| Cambridge                     |                | Rear-Admiral     | Lestock        | 500 80 |
| Monk                          |                | of the White.    | Miles          | 365 60 |
| Leopard                       |                |                  | Culliford      | 280 50 |
| Burford                       |                |                  | Roffy          | 440 70 |
| Tartar                        |                |                  |                | 32     |
| Lightning Fireship.           |                |                  |                |        |



for the YEAR, 1704.

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| Ships.                  | Commanders.      | Loads    | Men. | Guns. | August.                                                                           |
|-------------------------|------------------|----------|------|-------|-----------------------------------------------------------------------------------|
| Warspight               |                  | Whitaker | 440  | 70    |  |
| Nottingham              |                  | Hancock  | 365  | 60    |                                                                                   |
| Affurance               |                  | Norris   | 440  | 66    |                                                                                   |
| Oxford                  |                  | Stuart   | 440  | 70    |                                                                                   |
| Barfleur                | Sir Cl. Shavell, | Mings    | 710  | 96    |                                                                                   |
| Namur                   | Admiral of the   | Winn     | 680  | 96    |                                                                                   |
| Swiftsure               | White.           | Delavall | 440  | 70    |                                                                                   |
| Tilbury                 |                  | Jumper   | 280  | 40    |                                                                                   |
| Lenox                   |                  |          | 440  | 70    |                                                                                   |
| Roebuck                 |                  |          |      | 40    |                                                                                   |
| Vulcan                  | } Fireships.     |          |      |       |                                                                                   |
| Griffin                 |                  |          |      |       |                                                                                   |
| Princess Ann, Hospital, |                  |          |      |       |                                                                                   |

|                     |                |           |     |    |
|---------------------|----------------|-----------|-----|----|
| Newark              |                | Clarke    | 500 | 80 |
| Antelope            |                | Legg      | 280 | 50 |
| Boyne               |                | Ld Dursly | 500 | 80 |
| Prince George       | Sir John Lake, | Marrin    | 700 | 90 |
| Berwick             | Vice-Adm. of   | Fairfax   | 440 | 70 |
| Norfolk             | the Blue.      | Knapp     | 500 | 80 |
| Tyger               |                | Cavendish | 280 | 50 |
| Yarmouth            |                | Hicks     | 440 | 70 |
| Ham. Court          |                | Wager     | 440 | 70 |
| Garland             |                |           |     | 50 |
| Firebrand Fireship. |                |           |     |    |

We have not the List of the Dutch Ships that were in the Action.

*Van-Guard, or the White and Blue Division.*

| Ships.                | Captains.            | Guns. | Men. |                             |
|-----------------------|----------------------|-------|------|-----------------------------|
| L'Esclatant           | M. de Belle Fontaine | 66    | 730  | A list of the<br>Fr. Fleet. |
| L'Isle                | De Mons              | 62    | 380  |                             |
| Le S. Philippe, V. A. | D'Infreville         | 90    | 600  |                             |
| L'Heureux             | Colbert St. Mar      | 70    | 450  |                             |
| Le Ruby               | De Beneville         | 56    | 320  |                             |
| L'Arrogant            | Derherbierf          | 62    | 330  |                             |
| Le Marquis            | De Patonlet          | 60    | 350  |                             |
| Le Contant            | De Ste Maure         | 70    | 450  |                             |
| Le Fier, Adm.         | De Vilette           | 88    | 800  |                             |
| L'Intrepide           | Du Casse             | 84    | 600  |                             |
| L'Excellent           | De la Roche Alar     | 62    | 350  |                             |
| Le Sage               | De Montbaut          | 44    | 330  |                             |
| L'Ecueil              | D'Argint             | 61    | 380  |                             |
| Le Magnifique, C. A.  | De Bel-Isle          | 86    | 600  |                             |
| Le Monarque           | Chabert              | 84    | 600  |                             |
| La Perle              | Le Mothure           | 54    | 300  |                             |
|                       |                      | 1120  | 7700 | Body                        |

August.



Body of the Battle, or Center, the White Division.

| Ships.              | Captains.               | Guns. | Men. |
|---------------------|-------------------------|-------|------|
| Le Feurieux         | Le Compte de Blinaco    | 60    | 350  |
| Le Vermandois       | De Betune               | 63    | 350  |
| Le Lis              | Le Chevalier de Villars | 88    | 600  |
| L'Etonnant, V. A.   | Coetlogon               | 90    | 700  |
| L'Orgueilleux       | Du Palais               | 88    | 600  |
| L'Esperance         | Le Lagnion              | 50    | 330  |
| Le Serein           | Champmelin              | 58    | 380  |
| Le Fleuron          | De Grancey              | 56    | 350  |
| Le Vainqueur        | Le Bailly de Lorraine   | 88    | 600  |
| Le Foudroyant, Ad.  | M. le Comte de Tholouze | 104   | 950  |
| Le Terrible         | De Relingue             | 104   | 900  |
| L'Entreprenant      | De Hautefort            | 60    | 350  |
| Le Fortune          | De Baigneux             | 48    | 350  |
| Le Parfait          | Le M. de Chateaumorand  | 74    | 470  |
| Le Magnanime, C. A. | De Pointis              | 84    | 600  |
| Le Sceptre          | Le Comte de Bailly      | 88    | 600  |
| Le Fendant          | De la Luxerne           | 58    | 350  |
|                     |                         | 1271  | 8500 |

Rear, or Blue Division.

| Ships.               | Captains.        | Guns. | Men. |
|----------------------|------------------|-------|------|
| La Zelande           | Ferville         | 60    | 350  |
| Le St. Louis         | De Bezen         | 70    | 380  |
| L'Admirable, C. A.   | De Cepeville     | 92    | 675  |
| La Couronne          | De Champigni     | 88    | 500  |
| Le Cheval Marin      | De Pontacq       | 44    | 260  |
| Le Diamant           | Dorogne          | 58    | 350  |
| Le Gaillard          | Du Mont          | 54    | 330  |
| L'Invincible         | Roverois         | 70    | 450  |
| Le Soleil Royal, Ad. | De Langeron      | 102   | 850  |
| L'Ardent             | D'Aligre         | 66    | 400  |
| Le Trident           | De Modene        | 50    | 350  |
| Le Coureur           | Phelipeaux       | 60    | 380  |
| Le More              | De St. Clair     | 52    | 330  |
| Le Toulouze          | Du Quene Mon.    | 60    | 380  |
| Le Triumphant, V. A. | De la Harteloire | 92    | 750  |
| Le St. Esprit        | Du Quene Gui.    | 72    | 450  |
| Le Henry             | Servigni         | 66    | 400  |
|                      |                  | 1152  | 7650 |

FR

## FRIGATES.

| Ships.       | Captains.   | Guns. | Men. |
|--------------|-------------|-------|------|
| L' Etoile    | Goulon      | 30    | 190  |
| L' Hercule   | Rouvoure    | 20    | 170  |
| L' Andromede | Chamilli    | 8     | 85   |
| La Diligence | Mafnet      | 6     | 60   |
| La Meduze    | Roquemadere | 28    | 150  |
| L' Oiseau    | Figulera    | 36    | 180  |
| La Galatee   | Degotti     | 11    | 120  |
| La Sibille   | Guittotin   | 10    | 70   |

## FIRE-SHIPS.

|                  |            |    |    |
|------------------|------------|----|----|
| L' Enflammé      | Canvet     | 6  | 40 |
| Le Dangereux     | Du Gay     | 6  | 50 |
| La Turquoise     | De Sautier | 8  | 45 |
| Le Croissant     | Gabaret    | 12 | 50 |
| Le Bienvenu      | Rochambart | 8  | 60 |
| L' Aigle volante | Kervilly   | 6  | 35 |
| L' Estier        | Canvine    | 6  | 35 |
| Le Vieux         | Renoix     | 10 | 45 |
| Le Lion          | Marquisat  | 8  | 50 |

## FLUTES.

|               |              |   |    |
|---------------|--------------|---|----|
| Le Rottem lam | Grand Maison | 6 | 60 |
| Le Portefaïs  | Le Quene     | 6 | 60 |

Total. Guns in the Line 3533, Men 24155. Besides the above-mentioned Men of War, Frigates, Fireships and Flutes, there were 12 *French* and 11 *Spanish* Gallies. In all 92 Sail.

Making use of this floating Element, on which we have been for a time, for our speedier Return into *England*, there we find Joy upon all Mens Brows, save a few *Grumbletonians*, though generally not near so much upon the Account of our Sea-Engagement, as the *Great Battle of Hochstet*, still fresh in every Man's Mouth; and for the Success of which Her Majesty received this Congratulatory Letter from the States of *Holland*.

Madam!

After rendering Thanks to God for the great and compleat Victory which the Army of the Allies have obtained by his Divine Goodness near *Hochstet*; we judge it becomes us to testify to your Majesty our Joy for so glorious and advantageous an Action. We must heartily congratulate your

States Letter to the Queen,

August.

your Majesty on this happy Success, seeing it was the Bravery of your Troops that principally contributed to it, and that the whole was done under the prudent and valiant Conduct of the Duke of Marlborough, your Majesty's Captain-General, who in this Battle reap'd Lawrels that will never fade. The Prosperity that attends your Majesty's Reign, and the Glory of the *English* Nation, are exalted to a high Degree by this shining Victory; and the advantageous Consequences we have Ground to hope for from it by the Divine Blessing, will be deem'd the Effects of your Succours, and of your Zeal for the general Good. Mean time we flatter our selves, this Action will sink the Spirits of our Enemies, who are continually projecting vast Designs; and that it will clear the Way for Us to attain with Honour the End we propos'd by our Alliances; that the Liberty of *Europe*, and our holy Religion being secured, your Majesty may long enjoy the Fruit of the Care and Pains you take to establish and maintain them.

This is what we wish from the Bottom of our Hearts: Mean time we assure your Majesty of our Veneration for your Sacred Person, and beg the Continuance of your most valuable Affection and Good will to Us and our Republick.

*We beseech the Almighty, &c.*

We have already given you the Duke of Marlborough's Letter of the 14th to the States, and being now unsensibly got into *Holland*, we proceed to return the States Answer.

*My Lord,*

States Letter to the D. of Marlborough.

YOUR Excellency's welcome Letter of the 14th Instant from the Camp at *Hochstet*, was deliver'd to us by Colonel *Panson*, who has related to us what pass'd in the memorable Battle fought the Day before.

We affectionately thank your Excellency for the Readiness and Dispatch with which you was pleased to communicate so good News to us: Your first Exploit this Campaign at *Schellenberg*, gave us Ground to expect something better, but we durst not extend our Hopes to so great and compleat a Victory, as this which you have obtained over the Enemy with the Armies of the Allies.

This Battle will set the Greatness of your Merit in its true Lustre: A Battle, the Glory of which the greatest Captains of former Ages may envy you; and the Memory of which can never perish in succeeding Ages. We most humbly congratulate your Excellency upon it; rejoycing for the Glory you have acquired by it, as well as for the Advantage that must ensue upon it to the Common Cause. This Action will instruct *France*, that their Forces are not always invincible, and will prove such a Blow as their King never



'never felt in the whole Course of his Reign. We render  
'Thanks to God for it, who was pleased to bless this your  
'courageous Enterprize; and we beseech Him to prosper all  
'your great Designs: Assuring you, that none can be with  
'more Esteem and Sincerity than we are, Your, &c.  
'Given at our Court at the Hague, Aug. 22. 1704.

And, as our Hand is now join, let us not omit that of their  
High Mightinesses to the Prince of *Hesse*, upon the same  
Occasion, in these Terms:

S I R,

WE have received your Highness's Letter of the 13th States Let-  
with great Joy, finding by it, that you are so well ter to the  
recover'd of your Wounds, as to have been in a Con- P. of *Hesse*.  
dition to appear in the memorable Battle of *Hochstet*, and  
to contribute with your usual Valour and Conduct to the  
great Victory with which God has bless'd us. There is  
no Need of saying, That that happy Success has rejoiced  
us, but we thank your Highness for the Notification you  
have given us of it, and congratulate you on the Honour  
you gain'd in that Action; assuring you, that this new  
Proof of your indefatigable Zeal in the Service of the  
Common Cause, encreases more and more the great Esteem  
we had before of your Highness. We wish you all good  
Success, &c.

Having done with these Letters, let us once more go September.  
to the Duke of *Marlborough's* Camp, whom we left on the  
last of *August* at *Muldersheim*, where they halted the 1st In- D. of *Marl-*  
stant, and the 2d pass'd the *Neckar* at *Lauffen*, and came to borough's  
*Gross Gordach*. They marched to *Eppingen* on the 3d. The March back  
4th, the Duke, with the *English* and *Dutch* Horse, advanced to the *Rhine*  
to *Steffelt*, the Foot marching the same Day to *Odenheim*.  
His Grace went early the next Morning to confer with  
Prince *Eugene* at his Quarters at *Wagbeus*, from whence they  
went together, accompanied by the Count de *Nassau Weil-*  
*bourg*, and other General Officers of the *Palatine* Troops,  
and pass'd the *Rhine* near *Philipsbourg*, and view'd the Camp  
of *Spierbach*; after which his Grace return'd to *Steffelt*,  
where the *English* and *Dutch* Foot being arrived that Day,  
his Grace marched the 6th to *Kirloch*; and having Advice  
there, that several of the Enemy's Squadrons appear'd on  
the rising Ground, over-against *Philipsbourg*, order'd the  
*English* and *Danish* Horse to pass over the *Rhine* with all  
Expedition to join the *Palatine* Troops, which Prince *Eugene*  
had sent over that Morning, they immediately advanced to-  
wards the Enemy, who thereupon retired over the River  
towards *Germerheim*, and the Allies encamp'd on this Side.

*September.* The 7th the *English* and *Dutch* Foot, with the *Dutch* Troops; and those of *Lunenburg* and *Hesse*, likewise pass'd over, and, together with those that were before on this Side the *Queich*, encamp'd on the *Spierbach*. The 8th in the Morning they were join'd by the *Imperial* Horse, and Prince *Lewis* of *Baden* arrived at the same time from *Aschaffenburg*. The 9th, early in the Morning, the Army march'd from *Spierbach*, with Intent to encamp as near the River *Queich* as the Ground would permit; but the Generals having Advice on their March, that the Enemy had quitted their Camp on the other Side that River, notwithstanding they had been for some Days fortifying and pallisading all the Fords and Passes, Orders were immediately given to the Army to advance and pass over it, which was done that Afternoon, the Foot marching over on several Bridges which the Enemy had broke down, but were soon repair'd, and the Horse fording it over in several Places, and encamp'd on the Ground from whence the Enemy had retired that Morning. The same Day, a Party of the *Imperial* Horse met some Squadrons of the Enemy, who had been conducting Four Battalions and a Sum of Money to *Landau*. The *Imperialists* immediately attack'd them, and put them to the Rout, killing upwards of an Hundred upon the Spot, and taking several Prisoners. The Duke de *Montfort*, a Major-General, who commanded the *French*, was wounded in this Action, and died Two Days after. The 10th in the Morning the Army advanced again towards the Enemy, who lay that Night on their Arms; and as soon as they had Notice the Allies intended to march, retired in great Confusion towards the River *Lauter*. So the Allies advanced to *Langerscandel*, and halted there the 11th; mean time the Enemy pass'd the *Lauter*, and march'd to *Haguenaw*. Prince *Lewis* march'd back to *Landau* the 12th, with the Troops appointed to besiege that Place, in order to invest it; and the Duke of *Marlborough*, with Prince *Eugene*, advanced with the rest of the Army to *Croon Weisenbourg*, and there encamp'd to cover the Siege, a Garrison was put into *Lauterbourg*, and Directions were given, that one of the Bridges should be brought up from *Philipsbourg*, and laid over the River near the Town, in order to preserve a Communication with the other Side of the River, for the better Subsistence of the Army. Brigadier-General *Ferguson* marched the same Day with Five Battalions of Foot for *Moyence*, there to embark with the *French* Prisoners, and to conduct them to *Holland*. The 18th, Monsieur de *Merligney*, Chamberlain to the Duke of *Lorain*, came to *Weisenbourg*, with a Compliment from his Master to the Duke of *Marlborough*, to recommend his Country to his Grace's Protection. Count *Oxenstern*, who was formerly Envoy from the King of *Sweden*

in England, and now Governour of the Dutchy of Deux-  
ponts, came likewise to wait upon his Grace. The 19th,  
Mr. Stepney, Her Majesty's Envoy Extraordinary to the  
Emperor, arrived there from Vienna. The heavy Artille-  
ry being landed out of Boats at Germersheim, and thence  
drawn to Prince Lewis's Camp; the Trenches were open'd  
before Landau the 19th:

On the 22d the King of the Romans (who set out from  
Vienna the 1st Instant) arriv'd in the Camp before Landau,  
where he was waited on next Day by the Duke of Marl-  
borough and Prince Eugene of Savoy. The 26th General  
Thungen arrived from Ulm in the Camp before Landau;  
the Particulars of which Siege must be deferr'd till next  
Month: And now that we have mention'd General Thun-  
gen's coming from Ulm, where he was left to carry on the  
Siege of that Place, we are here to add, that having  
form'd it, and received his great Artillery on the 8th, the  
Garrison beat a Parley the 10th, and the 11th surrender'd  
that Place upon honourable Terms, which the Imperial Ge-  
neral Granted, that no Time might be lost for the further  
Execution of the Projects of the Campaign. The Articles  
are as follows:

## I.

All the French and Bavarian Troops in the City of Ulm shall march out in Four Days, with their Arms, Horses, Oxen and Baggage, with Drums beating, Match lighted, Bullet in Mouth, Colours flying, in full Freedom and Security of their Lives, to the Army under his Electoral Highness of Bavaria, or to be conducted to Strasburg the nearest Way, that is to say, by Blaau-Beyeren, Aurag, Tübingen, Doorn, Vreudenstad, Kniebee, Oppenan and Oberkirch; and shall not be obliged to march above Four Miles a Day, at the utmost, and shall rest the Third Day, without encamping, but in Villages, where they shall be furnish'd with Provisions and Forage for nothing; they shall also be at Liberty, for their better Security, to take with them Bread and Ammunition for Eight Days. They shall march out by the New Gate, from which they shall be conducted the above-mention'd Way by 100 Horse, who are to wait there for them.

Articles of  
the Surrender  
of Ulm.  
11.

Granted, That the Garrison shall march out on the 13th, at Four a Clock at furthest, with the usual Marks of Honour, the nearest Way to Hornberg, through the Valley of Kinzig, by Offenbourg to Strasburg. For which End they shall have a Convoy of Fifty Horse. They are to take with them all necessary Provisions, except Forage; and this Day being the 10th, they shall deliver up the Gate of Glostels, and all the Out-works, to be guarded with a sufficient Number of Troops on both Sides.

September.

## II.

The said Troops shall march out by Break of Day, and shall not be molested in their March under any Pretence whatsoever.

*Granted*, Provided it be done to Morrow.

## III.

With the said Troops there shall also march out the *Bavarian* Intendant, the King's Commissaries of War, all Engineers, Officers of the Artillery, Cannoneers, Bombarders, both *French* and *Bavarian*, Field Preachers and Chaplains of Battalions, Commissaries in the Elector's Service, and all that shall be found to belong to the Garrison, Five Treasurers, Receivers, Pay-masters, Provide-masters, Bakers and others, both *French* and *Bavarian*, that are necessary for the Subsistence of the Troops, together with all their Utensils.

*Granted*, Provided some Commissaries stay behind to deliver up to the *Imperialists* the Ammunition, &c.

## IV.

Four Hundred Waggon, drawn by Four Horses each, shall be brought to *Ulm* without Delay, to carry the Officers Baggage, and the sick and wounded *French* and *Bavarians* that are in *Ulm*, and are in a Condition to follow the said Troops; 100 Horse shall be allow'd for the said *French* and *Bavarian* Officers, and for drawing the sick and wounded Officers in Litters.

*Granted*, A Hundred and Fifty Waggon, and Forty Horses for the Litters of the Sick and Wounded.

## V.

In case the sick and wounded Officers, Generals, Colonels, Majors, Captains, and the *French* and *Bavarian Guards de Corps*, Granadiers, Horse, Dragoons, Soldiers, &c. of both Nations be in such a Condition, as 'twill be more proper for them to tarry in *Ulm* for a perfect Cure, then the Commissaries, Chirurgeons, Physicians, Apothecaries, and others that belong to them, their Friends, Domesticks, and the *Capuchin* Friers, shall have Liberty to tarry with them, and they shall be furnished with Medicines and Provisions, till the said Sick and Wounded can follow the Army to *Strasbourg*; in which Case they shall be furnished with necessary Pass-ports or Convoys to *Strasbourg*, or *Switzerland*, as the Officers shall think fit, that they may not receive any Harm in the City of *Ulm*, nor on their Way from it, and shall be furnished with sufficient Provisions, and Forage in Villages and Towns at Three Miles Distance. Hostages shall also be given on both Sides for the Safety of the said Sick and Wounded that shall remain in the Hospitals and Dwelling-Houses, and that they shall not be removed from thence on any Pretext whatsoever (though under the Presence



tence of removing them for their own Conveniency) during the Time of their Stay at *Ulm*, and while they are on their Journey to his Electoral Highness's Camp, or *Strasburg*.

*Granted*, That the Sick and Wounded that are not fit to be carried out, shall remain at their own Charge in their present Quarters, till they are fully cured, and not to be removed thence; and Ecclesiasticks, Physicians, Chirurgeons, Apothecaries and Domesticks shall remain with them to take care of them, provided they behave themselves well.

VI.

All Meal, Corn, Horn'd Beasts, Wine, Medicines, and all other Necessaries for the Use of the said Sick and Wounded, that may be in the Magazines, shall be left in the Hands of the Physicians, Chirurgeons, Apothecaries, and other Servants of the Hospital, for the Cure of the said Sick and Wounded, and that what shall remain after their Cure, the Governours shall be at Liberty to sell it, or dispose of it as their own, how they shall think fit.

*Granted*, Provided that the Governour of the Hospital give an Account of what is in Store, and that what is not used be left to the *Imperialists*.

VII.

The Treasurers, both *French* and *Bavarians*, shall also march out freely.

*Granted*, For their Persons, but not to take the Money with them.

VIII.

The Besieged shall carry out with them Seven Pieces of Cannon, Four of them with his Electoral Highness's Arms, and Three with *M. de Blainville's*, with Two Mortars and Eighty Horses, and Four Waggon with Five Horses each, with 100 Models, 100 Shovels, and 100 Levers.

*Granted*, Except Two Half Pounders, that have not the Elector's Arms on them.

IX.

For each Piece and Mortar the Besieged shall have Powder, Ball and Bombs for Six Discharges, and each Soldier for 24, and Six Waggon to draw the Ammunition for the said Artillery.

*Granted*, The Musketeers to carry theirs with them, but that for the Artillery being refused, there's no Need of Waggon.

X.

All Prisoners taken before and during the Siege shall be set at Liberty without Ransom on both Sides.

*Granted*, Provided the Besieged do the like faithfully, immediately after the Signing of the Capitulation,

## XI.

September.

The Besieged shall not be obliged to a Reimbursement of Debts, or Contributions exacted from the City or adjacent Country, before and during the Siege; nor shall any Harm be done to any Persons that may have served in the Forces of his Imperial Majesty, or his Allies, on Pretence of the *Avocatoria*, or Bann of the Empire, because that such Soldiers or Officers may be now in the Service of the King or Elector.

*Granted*, But particular Debts must be paid, for which End good Security must be given, or Hostages left in the Place, as the *Imperialists* were obliged to do last Year at Landau. The rest of this Article is also granted, provided they be not notorious Deserters. But this shall not in the least derogate from the Emperor's *Avocatoria* for the future.

## XII.

All Corn, Meal, and other Necessaries, for the Subsistence of the said Troops, shall be carried out of the Town with them for their Subsistence by the Way.

*Granted*, But since the Besieged will not march out till they have their full Number of Waggoners, they shall give the Waggoners Eight Days Provisions, and they shall carry with them as much of the Remainder as they shall want.

## XIII.

The above-mentioned Waggoners shall be ready in Four Days.

*Granted*, To be ready in Two Days, that the Garrison may march out on the 13<sup>th</sup>.

## XIV.

No Soldiers shall be stop't or carried off on either Side, on Pretence of being a Deserter, or otherwise.

*Granted*, Provided they deliver up the German Deserters.

## XV.

For the Security of the Baggage of the Garrison, a Convoy shall be given to march before them, and Forage for their Horses shall be furnished at the Charge of the Country, and the said Baggage shall not be stop't, search'd or plunder'd on any Pretence whatsoever.

*Granted*.

## XVI.

None of the *Imperial* Troops, or others, shall enter the Town before the Garrison be marched out, without the Consent and Pass-ports of the Generals on both Sides.

*Granted*.

## XVII.

The Rights and Liberties of the Burghers shall be maintain'd, the Roman Catholicks shall enjoy the free Exercise of their Religion in the Town, and its Dependencies,

dies, as at present; the Burghers shall be at Liberty to *September.*  
leave the Town with their Effects, and go where they  
please, without being hinder'd; and the Garrison to be  
put into the Town shall consist of the Troops of the Circle  
of *Swabia*.

Since this Article does not concern the Garrison, and  
that we have no ill Intent against the Town, it shall have  
no Place in this Capitulation.

XVIII.

The Besiegers promised the Besieged punctually and  
faithfully to observe and perform all the above-mention'd  
Articles, without any Alteration or Diminution.

*Granted*, Provided the like be done on the other Side.

XIX.

In case the Besiegers demand the Delivering up of a Gate  
it shall be the *Glockels* Gate, and it shall not be delivered up  
till the Day after the Capitulation is sign'd, and to hinder  
Communication between the Soldiers, Two Barriers shall be  
made and guarded by each Party on their own Side.

*Granted*, That the said Gate shall be delivered up imme-  
diately after Signing the Capitulation, and the necessary  
Guards shall be set on both Sides.

XX.

This Capitulation shall, with all its Articles, be seal'd and  
ratified by the General of the Besiegers, and Two attested  
Copies of the same shall be taken, sign'd, seal'd, ratified and  
exchanged before the 13th, and for the Performance of this,  
Hostages shall be given on both Sides.

*Granted*, Provided that the Governour, upon his Word of  
Honour, set at Liberty, together with the Prisoners, all the  
Hostages of the Neighbouring Countries that may be still  
in the City.

Concluded and sign'd at the Head Quarters at *Sessingen*  
and *Ulm*, *Seps. 11. 1704.*

(L. S.) H. C. Baron de *THUNGEN*.

(L. S.) F. C. de *BETTENDORF*,

We told you some time since, that soon after the Fight  
at *Schellenberg* the *Bavarians* had evacuated *Ratisbon*; now  
we are to take Notice of a Decree of the Emperor's, bear-  
ing Date the 28th of *August*, commanding Monsieur *Zundt*,  
the Elector of *Bavaria's* Deputy to the Dyet, to depart *Ra-*  
*tisbon* within Three Days after Notice, and the Empire in  
Twenty, after which Time a Pass-port sent enclosed in the  
said Decree should be null. Now, this Decree and Pass-  
port being deliver'd to the said *Bavarian* Minister by the  
Deputy of the Elector of *Mentz* on the 11th, he thought it  
best to leave *Ratisbon* the next Day, and to retire towards

*September.* *Straubing* in *Bavaria*. The like Order (to depart *Ratisbon* if not the Empire) was signified a few Days after to the Elector of *Cologne's* Deputy, and he obey'd it. And the Emperor, to justify these his Proceedings, sent a Letter to the Dyet, which was communicated to them by the Director the 19th, of which the Substance is: 'That the Emperor was not satisfied with the Agreement made with the Elector of *Bavaria* for the Security of *Ratisbon* and the Dyet; 'because the *Bavarian* Garrison did not evacuate the Place 'within the Time limited in the Imperial Declaration of the '3d of *December*, 1703. That common Prudence required 'the putting an Imperial Garrison into *Ratisbon* at that Time; 'but that it should be withdrawn when the present Occasion ceased. And that seeing he could not send back his 'Commissioner to the Dyet, while the Envoys of the avowed Enemies of the Empire were there; he had commanded the said Envoys to be gone.

Emperor's  
Letter to  
the Dyet,

*Aug.* From *Ratisbon* let us now go to *Poland*, where King *Augustus* his Affairs seem'd to take a new turn in his Favour; for the King of *Sweden*, some time last Month being advanced to *Sunau* in *Russia rubra* towards him, who lay encamped at *Sockol* on the River *Bug*; *Augustus* detached General *Brand* with 8000 Horse, only to observe the *Swedish* Army, as was supposed; but the 21st of *August* his Polish Majesty left *Sockel*, and having ordered the main Body of his Army to march after him to *Warsaw* by proper Routs, he himself with 4000 Horse joined General *Brand*; and marching with all Expedition with part of these 12000 Men to *Czersk* on the *Vistula*, he passed that River and advanced towards *Warsaw*; General *Brand* followed him with great Diligence, and in his March put to the Sword 80 *Swedes* at *Lucovia*, and 300 at *Latovice*, where we took 300 more Prisoners.

On the other Hand, a Courier on the 28th being dispatched by the Starost of *Krasnoslaw* in *Russia* to *Warsaw*, with advice that King *Augustus* was in full March towards that City; the Chief of the Confederates against him, retired into the Castle, and sent a Courier after King *Stanislaus*, who the 27th at Night returned to them with his Troops; when a Council was held, and it being considered that the Place was open and defenceless, and that he had not Troops to stand a Battle with *Augustus*, he passed the *Vistula* over the Bridge, and with him his Queen, and Cardinal Primate, Prince *Alexander Sobieski*, and others of the chief Confederates. While *Augustus*, having been overtaken and joined by General *Brand*, came the 31st in the Morning to *Viardow*, into the Neighbourhood of *Warsaw*, while his Army invested the City on all sides. His Majesty caus'd General *Horn* to be summoned to surrender, to prevent the Ruin



September.

King Augustus takes  
Warsaw.

4.

Articles of  
Surrendry.

Ruin of the Town and Castle, which he was willing to preserve; but the General answered that he would defend himself to the last Extremity; but afterward finding the City was not tenable, he retired into the Castle, with his Men, leaving the Horses behind, wanting Forrage or Provender to keep them. Hereupon the City Gates were opened on the 3d, and the King ordered 3000 of his Men to march into it, but strictly forbid them to Plunder or commit any Disorder; in Consideration of which the Magistrates promised to pay 20000 Rixdollars. In the mean time General Brand, made the necessary Dispositions for attacking the Castle, but a violent Rain hindered the carrying on the Works till the 4th in the Morning, when Four Pieces of Cannon began to Fire upon it: Soon after which, General Horn perceiving Preparations making for an Assault, beat a Parley, and was obliged to sign the following Articles; That all the Garrison should be Prisoners of War; that himself and the Officers should leave all their Effects in the Castle; that the Soldiers should be allowed so much of their Baggage as they could carry out; and that the rest should be seiz'd; and neither himself nor his Officers, should be insulted or molested in any Manner, neither by the *Cossacks* or the *Poles*; and that all those of the Garrison who had formerly served King Augustus should be pardon'd, provided they were not Deserters. They were carried on the 5th some to the Cardinal Primate's Palace, and the rest to other Places. The Bishop of *Poznan* pretending to be sick, stay'd behind in the Castle: But was fetch'd out and put under Confinement. And all his Effects that could be found in *Warsaw*, and whatsoever the other principal Confederates left behind them either in their Houses, or had for greater Security put into Convents or Monasteries, were all seiz'd. The King being thus possessed of *Warsaw*, detached a certain Number of *Cossacks* to pillage the Town of *Lowitz*, and the Estate of the Cardinal Primate lying round it; but the Inhabitants sending Deputies in time to offer a certain Sum of Money to commute for Plundering, their offer was accepted and the *Cossacks* countermanded. But they were ordered to go to *Bercesz* and ravage the Lands thereabouts belonging to the Bishop of *Poznan*. His Majesty likewise exacted a round Sum of Money of the Inhabitants of *Warsaw*, particularly of the Body of Merchants; and leaving a Guard in the Castle and at the Gates of the Town, he marched the 8th to *Wischnegrad* and encamped there with his Troops; having before dispatched Orders to the *Saxon* Troops, which were come from *Saxony* into *Great Poland*, to join him: The Bishop of *Poznan*, Two Sons of the *Castellan* of *Cracow*, Count Horn, Monsieur *Wachslager*, and the *Swedish* Officers taken in *Warsaw*, were carried to the Camp; and all the

E.

September.

Effects of the Confederates that were discovered, were carried thither likewise, among the King's Baggage. The 10th his Majesty sent a Party of Horse to *Warsaw*, to seize several Merchants; But the Magistrates voluntarily proffering themselves to be Security for the forth coming of most of them, only Two were carried Prisoners to the Camp, viz. the Sieurs *Rowna* and *Rookur*; who were charged with remitting Money to Prince *Ragotski* in *Hungary*, by Order from *France*, which was said to be discovered by General *Horn's* Papers. But the Two Merchants were set at Liberty a few Days after. The 11th his Majesty gave Leave to General *Horn* to go to the King of *Sweden* his Master, or whither he pleased on his Parole of Honour to return within Two Months. The *Swedish* Officers likewise that were taken with General *Horn*, were set at Liberty on their Parole: But Monsieur *Wachslager*, being a Native of *Poland*, could not obtain the like Favour; The 16th the Saxon Troops from *Great Poland* arrived in the Camp at *Wissbegrod*, in Number 16000 Men; and a Day or Two after the greatest part of the *Muscovites* and other Foot, which his Majesty left behind him at *Sockol*, when he took his hasty March to *Warsaw*.

As for the Confederates that retired from *Warsaw*, upon King *Augustus's* approach, some went one Way, and some another: The new King *Stanislaw*, and Prince *Alexander Sobieski* joined the King of *Sweden* in his Camp before *Lemberg* the 19th of *September*; For his *Swedish* Majesty after having put to flight some *Polish* and *Lithuanian* Troops, commanded by the *Referendarius* of the Crown, that were posted to cover *Lemberg*, advanced to take a view of it on the 4th, and in Person rode round it accompanied by several General Officers. His Majesty ordered Four Regiments of the Flower of his Troops to attack it the next Morning as soon as they had Light enough to see their Way; accordingly they waded through the Ditch, sent a Shower of Granadoes among the Forces which the Palatine of *Kalisch*, the Governor, had posted on the Ramparts near the Magazines of Powder; and after a sharp Dispute, in which a great Number were killed on both sides, got over the Walls, forced the Defendants to quit their Ground, and retire disorderly into the Town. The *Swedes* in their first Fury put all they met in Arms to the Sword; and on the other Side the Officers and Soldiers of the Garrison shot several *Swedes* from the Windows of the Houses into which most of them retired; but at length they were glad to come out of those Houses and yield themselves Prisoners of War. Thus the *Swedes* took this Place, without opening Trenches, or any other formalities of a Siege. Being Masters of the Town, they opened the Gates to their King: Who going out agen to his Army, General *Steinhart*, pub

*Swedes take  
Lemberg.*

September.

published an Order, requiring all Persons to deliver what Effects they had in their Hands belonging to King *Augustus*, or his Adherents, on pain of Death; as also what Goods had been brought in from the Neighbouring Country; He likewise demanded 400000 Crowns of the Town to commute for Plundering; but with much ado the Magistrates prevailed with him to accept of a Promise of 300000. The 9th in the Night a good part of the Town was burnt by accident; and in all probability the whole had been laid in Ashes, had not the King of *Sweden* sent in 3000 Foot-Soldiers who extinguished the Fire. As for the 300000 Crowns the Magistrates promised to pay to save the Town from being pillaged; every Inhabitant according to his Ability was obliged to carry in a certain Sum in Gold, Silver, or Plate; but the greatest part was taken from the Churches and Convents, and from the *Jews* inhabiting the Place, who were besides used very scurvily to make them discover their Wealth. Hundred and Forty Pieces of Brass Cannon were found on the Ramparts, and in the Arsenal; all which General *Stenbock* caused to be drawn to a convenient Place, and laid close together, they were over-charged with Powder, their Mouths were put into the Ground, and a Train being laid to them they were all blown up and burst.

On the other hand they told us, that about this time a new Treaty of Alliance Offensive and Defensive was concluded between the *Czar* of *Muscovy*, and King *Augustus* of *Poland* (for himself and the Republick.) The chief Articles of which were to this Effect: 1. The *Czar* furnished the Republick already with 12000 Men, Regular Troops, which he would maintain at his own Charge, and recruit during the War. 2. That he would advance yearly Two Millions for the Army of the Crown, and of the Great Duchy of *Lithuania*, as long as the War should last. 3. That if his *Czarish* Majesty recover'd *Livonia* by his Arms, he promised to give it to the Republick; who on her part engaged not to make any Separate Peace, nor to treat with the *Swedes* but in Conjunction with the *Czar*. 4. That if the King of *Sweden* retired out of *Poland* before a Peace was made; the *Poles* should be obliged, in Conjunction with the *Czar*, to carry the War into the Dominions of *Sweden*.

As for the Transactions in *Hungary*, we have little to say, only the Advices from *Vienna* told us, that to smoothe the Way to an Accommodation, his Imperial Majesty dispatch'd Couriers from *Vienna* on the 13th, to the several Generals and Officers in that Country, to forbear all Hostilities till the End of that Month: And afterwards finding, that the Suspension of Arms was well received by the Malecontents, who agreed to the like Cessation on their Part, he resolved to

Alliance between the *Czar* and King *Augustus*.

Cessation of Arms in *Hungary*.

13.

*September.* improve the good Dispositions to Peace he found in them by prolonging that Cessation to the 15th of *October*; and further to demonstrate his own Readiness to put an End to these unhappy Troubles, he did likewise nominate the Baron Zeiler, Count *Lamberg* and Count *Cobari*, his Plenipotentiaries, to treat with the Malecontents; who did thereupon name Three Commissioners on their Side, viz. the Counts *Berezepi* and *Caroli*, and Monsieur *Radkey*; and proposed *Schemnitz* for the Place of Treaty, at which they desired the *English* and *Dutch* Ministers to assist: That on the 20th, Prince *Ragotzi*, the Archbishop of *Colozza*, Count *Berezepi* and Baron *Zirmai*, were together at *Heveg*, a little Village near *Leventz*, preparing Matters for the intended Treaty: That on the 31st a Messenger from the Chief of the Malecontents arrived at *Vienna*, with Passes for the Imperial Plenipotentiaries to repair to *Schemnitz*; and also for Monsieur *Bruyniux*, Envoy from the States-General, and Mr. *Stepney*, her *Brittish* Majesty's Envoy: And that in the mean while, the *Turkish* Envoy left *Vienna* the 27th to return Home, being very well satisfied with his Reception, and the Presents he had received from the Emperor.

Siege of  
*Ivrea*.

The same Day the *Turkish* Envoy at *Venice* embark'd in one of the Gallies of the Republick, appointed to carry him to *Patrasso*: But we must leave him to pursue his Journey; and after having observed, that the Grand Prior of *France* used all the Precautions imaginable to prevent the Return of the *Germans*, under Count *Leiningen*, into *Italy*, we pass to the Camp of the Duke of *Vendosme*, whom we left before *Ivrea*, where he having possess'd himself of all the rising Grounds about the Place, he caus'd Trenches to be open'd within half Musket Shot of the Counterscarp on the 2d in the Night. On the 4th the Batteries began to play; the 9th a Bridge was laid over the *Doria*, and 35 Squadrons and 15 Battalions were sent over, and took Possession of several Eminencies on the hither Side of the River. Till that Time the Besieged had a Communication from the Castle on the hither Side the River with *Turin*; and on the 10th the Duke of *Savoy* advanced from his Camp at *Crescensino* to *Strambino*, with Design to keep open that Communication; but the Enemy having, as we said, taken Post on the Eminencies about the Castle, and his Royal Highness finding he could not effect his Purpose, return'd to *Crescensino*; and thus the Place being quite shut up on all Sides, the Besiegers continued their Batteries against the Town; which the Besieged, commanded by Baron *Gripaw*, a *German*, defended very vigorously, till the 12th, when they beat a Parley, and offer'd to capitulate: The Duke of *Vendosme* proffer'd the same Con-

ditions



September

ditions he granted to the Garrison of *Vercelli*; but the Castle not having been attack'd yet, the Governour would not submit to them: So the Attack of the Town went on till the 17th, when the Garrison perceiving the *French* were preparing to make a general Assault, quitted the Town, and retired into the Castle: Then Batteries were raised against the Castle; and in short the Garrison, after a brave Resistance, was forced to surrender on the 27th, much upon the same hard Terms as those of *Vercelli* had been, which about this Time was like to be surprized by the Duke of *Savoy*, as related by the *French* in this manner:

Place sur-  
rendred.  
27.

Prince *Charles of Lorraine* march'd from the Camp at *Crescino* the 21st at Two in the Morning, with 1000 Horse and 2000 Foot; which Troops took several Routs, and on the 22d at Day-break join'd before that Place: They were order'd to be there Two Hours sooner, but could not, by reason of the Darkness of the Night, and the Badness of the Roads. Immediately after their Arrival, a Company of their Granadiers crept very near to the *Milan Gate*, and laid themselves flat on the Ground on their Bellies, with Design to start up and seize that Gate as soon as it should be open'd, as it usually was every Morning. But a Sentinel that was posted on a Rampart near the Gate, discovering by the little Day-light that began to spread it self, a great Dust at some Distance on the Plain, gave Notice of it to the Officer of the Guard, who immediately went up over the Gate, and descried a great Body of Horse and Foot, whereupon, not doubting they were Enemies, he order'd the Gate, which was just going to be open'd, to be kept fast shut, and sent word of what he had seen to Monsieur *de Toralbas*, the Governour, who presently order'd a Gun to be fired, and soon after Three more, to warn the Garrison to their Arms, and to shew they had taken the Alarm. He likewise ordered the Burghers to retire into their Houses, and to keep their Doors and Windows close shut, which was done. The Enemies finding the Gates were not open'd, and understanding by the firing of the Guns they were discover'd, retired. They were each of them provided with Powder and Ball for Fifteen Discharges: And were follow'd by Four Waggon's loaden with Ammunition and Rope-Ladders; and the Duke of *Savoy* and General *Staremberg* were with a strong Body of Men not far behind this Detachment, to sustain them.

D. of *Savoy*  
fails to sur-  
prize *Ver-*  
*celli*.  
22.

On the other side, about the middle of this Month the Duke *de la Feuillade* having put a strong Garrison into the Fort of *St. Bridget* at *Pignerol*, marched with the rest of his Forces into the Neighbourhood of *Grenoble*, and put them into Quarters, as tho' he thought of doing no more this Campaign; but of a sudden he marched through part of

*September.* Savoy to the mountain called *le petit St. Bernard*, and passing it, entred the Valley of *Aoste*, and the 25th attacked the Place called *la Taille*, fortified with a Double Intrenchment, and defended by a Regiment of Regular Troops and 2000 Militia: He carried the Place by Assault, killing and taking part of the Defendants and putting the rest to Flight: And afterwards advanced to the Town of *Aoste*, which opened her Gates to him: He found great store of Ammunition and Provisions there: Since which he put his Troops into good Quarters, having seized all the Passages, whereby he has cut off Communication between *Piedmont* and *Switzerland*: They told us the Militia at *la Taille* behaved themselves very well, but the *Swiss* quite otherwise, wherein some Double-dealing was suspected, tho' want of Arms and Ammunition was offered for an Excuse in their behalf.

It's time we should give *Switzerland* a Visit once more, where The General Dyet of the Cantons met the 15th. at *Baden*, to consider chiefly of the private Differences amongst themselves, about the Exercise of the Protestant Religion at *Newkirk* and some other Places. The Protestants and Papists had separately resolved in their Private Dyets, to refer the Decision of that Affair, to the Friendly Determination of Four Cantons, viz. Two Protestants, and Two Papists, but when they came together, some unforeseen Pretensions were started up, which Occasioned the breaking up of the Dyet without any Conclusion.

In the mean time, the famous *Cavalier* having made his Escape out of *France*, with about Eighty *Camisars* more, retired from the Country of *Montbeliard* to *Nonschafel*, but being commanded away, he retired to *Lanzane*, and from thence proceeded for the Valley of *Aosta*, to serve amongst the *Vaudois*. As he continued several Days at *Lanzane*, the *French* Ambassador wrote a mighty sharp Letter to the Canton of *Bern*, which was resenting by that Regency, and the Readers will see by the perusal of the Letter whether they were not sufficiently provoked. The Letter and Answer are as followeth:

*Puisieux's*  
Letter to  
*Bern*.

8.

Magnificent Lords,  
 ' NO Man can be more surprized than I am to under-  
 ' stand, That the Traitor *Cavalier*, and the execra-  
 ' ble Wretches that follow him, have been at *Lanzane* for  
 ' several Days, waiting for Orders, as they say, from the  
 ' Duke of *Savoy*. I could never have believed that you would  
 ' have granted Passage through your Territories to the Re-  
 ' bellious Subjects of the King, my Master, who have retaken  
 ' Arms against his Majesty. Much less did I expect that you  
 ' would have given them any shelter. You had assured me by  
 ' your Letter of the 1st Instant, that you had repeated your Orders,

According to the Resolves, and Conventions of Baden, was to let any People pass through your Country in Bands, much less those that were armed. These are the very Words of your Letter; but the Rebellious Cavalier is not only arrived in your Territories with his armed Men; but is still at Lausanne, and you have suffered him to be there to this very Day. I am so much surprized at this step on your part, which I so little expected, that this Moment I am dispatching a Courier to the King, to give him an Account of all that you have done in this Affair. You may well suppose, that his Majesty will be offended at it, and wish so much the more Reason that he never could believe, that any of the Laudable Cantons, whom he always respected as his most Ancient Allies and Confederates, would have the least Inclination to show such a notorious and unjust Piece of Partiality, as that which you have shewn in favour of his Majesty's Enemies, by giving shelter, as you do, to Men who ought to be hateful to all the World, and who ought not to find a Retreat in any Place whatever. I pray God to prosper you in whatsoever may be most advantageous to you. I remain.

Solusburn, Sept. 8th. 1704.

Magnificent Lords,

Your Affectionate Servant,

PUISIEUX.

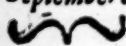
The Regency of the Cannon of Bern returned the following Answer.

S I R,

YOUR Excellency ought not to be surprized, That we did not sooner return an Answer to your Letter of the 8th, Instant, since we found it full of Allegations that cannot be proved, and of Expressions that very ill suit such a Free State as ours. We are so much the more sensibly touched with it, that before we answered it, we took Care to be well informed of the State of Affairs. Therefore your Excellency ought to know, that before we received your Letter of the 31st of August, we had by our repeated Orders, given Notice to our Bailiffs, not to allow Passage through our Territories to any People in Troops, and much less to those that were armed, in exact Conformity to the Conventions made at Baden; which we heartily wish were as religiously observed by others as they are by us. If that had been so, there would not have been sent through our Country, as there was last Spring, without desiring so much as a Passport, some Hundreds of Oxen and laden Mules, with a strong Convoy from Burgundy to Italy, and particularly

Regency's  
Answer.

17.

September.  larly about Fifteen Days ago by *Verdun*, a considerable Troop of Horse and armed Men from *Franche Comté*, without mentioning what passed at *Aras*, which your Excellency is not Ignorant of: But, as hitherto we have been always more careful to regulate our own Conduct, than to observe that of others, so we shall still continue to do the same, and must tell your Excellency, by the Way, that we shall advance nothing but what is well attested.

'It's true, our Bailiffs have informed us, That the Person called *Cavalier*, and some of his Men, had unexpectedly passed *Lauzane*, in Three several Bands of about 25 Men, after having passed, without any Hindrance, through Two other Sovereignities. This made us look upon them only as Deserters and Refugees, who Travel the World to earn their Bread by their Labour: However, as soon as they were informed of our Orders, they immediately dispersed and retired, with no other Arms but Five Fuseses, when they arrived at *Lauzane*, the rest of their Arms being taken from them before in the Territory of *Neuchâtel*.

'But tho' we could not foresee the Desertion of the said *Cavalier* and his Men, yet your Excellency charges us with granting them Passage, Protection and Lodging; and by that Means to have discovered a Publick and unjust Partiality: Whereas there is not only the least Truth therein; but we do openly and constantly contradict all that may be insinuated to the contrary, and we are very sensibly touch'd to find our selves so blackned to his most Christian Majesty, for things that your Excellency would vouchsafe to enquire into before you complained of them. As we do not treat you thus, we hope you will inform his Majesty better, and that you will endeavour to remove the sinister Impressions that you may have made him to conceive of us; or if your Excellency makes any Difficulty to do that, we desire you to give us Notice of it without Delay, that we may do it our selves, and so much the more that we had no other Design but faithfully to perform all that could be required by the Treaties of Alliances and Conventions, in hopes the like would be done to us. We recommend your Excellency to the Divine Providence, and are

Bern, Sept.

*Your Excellency's most Humble,  
And most Affectionate,*

The Advoyer, the Lesser and Greater  
Council of the City of *Bern*.



Ye might have taken Notice before, but 'tis soon enough *September.*  
that while the Dyet was assembled at *Baden*, the  
*Swab* Ambassador presented them the following Memorial.

*Magnificent Lords,*

Could not believe what I had Notice from several *French Am-*  
Places, that the Enemies of the King my Master de- *ballador's*  
ned to send a powerful Supply of Men and Arms, thro' *Memorial*  
to the *Swiss*  
Country, to the Duke of *Savoy*, until such time as a *Dyet.*

Great Part of those Arms were actually pack'd up and sent  
to *Aosta* through your Dominions. I could not, I say, have  
given Credit to such Reports, if the Experience of what  
has pass'd had not convinced me, that the Duke of *Savoy*  
had Reason enough to rely upon the Supplies which he was  
to expect through your Country. For, *Magnificent Lords*,  
it is known to all of you, that a great Number of *Germans*  
have pass'd into *Piedmont*, to reinforce the Regiments that  
are there; the Direction of the Ways by which they were  
to march, of which I sent you some Copies, sufficiently  
proves the Truth of what I advance.

This has obliged me, *Magnificent Lords*, to demand of  
you the Execution of the Treaties you have concluded with  
his Majesty, because many Things have fallen out in your  
Dominions, since the Beginning of the War, contrary to  
those Treaties. I perswade my self nevertheless, that you  
will not continue to give his Majesty ground to think, that  
you are resolved to assist his Enemies, and to make War  
upon him, as he must indeed believe you do, if you don't  
oppose their Passage through your Country, according as  
you are obliged to do by your solemn Treaties of Alliance  
with his Majesty.

Pray call to mind, *Magnificent Lords*, when some *French*  
Generals were obliged to pass through your Country with  
their Retinues into *Swabia* to the King's Army, command-  
ed then by *Monsieur de Villars*, what Care you took that  
those Officers, and their Domesticks, should not pass above  
Ten at a time, and that there were no Soldiers among  
them.

Remember also how strictly your Orders on that Head  
were observed, and what Care was taken in your Towns to  
visit the Equipage of the *French* Generals, under Pretence  
of Searching for Contraband Goods, so that they burnt  
some Barrels of Wine, on pretext of their being filled with  
Powder or Arms.

It is not my Design to lay before you all that then hap-  
pen'd to the Generals of your most ancient Friend, Ally,  
and Confederate; but if I mention some Particulars on that  
Head, its only to let you see, that his Majesty's Enemies,  
who pass through your Country, don't meet with near so  
many

*September.* many Obstacles, for without taking Notice of the Artillery, Mortars, and arm'd Troops, which have pass'd through the Territory of *Schaffhouse* without Opposition, the Duke of *Savoy* has order'd to be made in the Laudable Cantons a great Quantity of Arms, and has order'd a vast Number of Fuzees to be brought thither, without any Stop to it on your Part. I can assure you that those Arms are already in the Valley of *Aosta*. I am willing to believe that you knew nothing of their Passing, and I assure my self, that had your Bailiffs been as diligent to inform you of what pass'd through your Country for *Piedmont*, as they were to give an Account of what was sent that Way from *France*, you would have prevented the Abuses that have been committed on that Head.


Therefore it is, *most Magnificent Lords*, that I pray you, in the Name of the King my Master, to stop your Passes, not only against his Majesty's Enemies, their Soldiers, Horse and Dragoons, who would have them open, but also against Contraband Goods, and to take such Course that your Orders may be faithfully executed. I desire nothing of you but what is reasonable and advantageous to your own Interests, and which may tend henceforward to cultivate a good Understanding betwixt the King my Master and the Laudable *Helvetick* Body; and, in order to your putting in Execution that perfect Neutrality, which you have declared you are willing to observe betwixt the Potentates who are in War with one another. Impartiality will be the Foundation of your Repose, both for the Time present, and to come; and since this is of great Importance to you, I assure my self that you will so recommend the Execution of your Orders to your Bailiffs and other Magistrates, that they shall not dare to do any thing to the contrary. You will by this Means preserve that sincere Affection which the King my Master always testifies for his ancient Friends, Allies and Confederates; and you will also give me the Satisfaction to testify to you, that I shall always be ready to do you all the good Offices that belong to my Ministry.

To conclude, I pray you, *Magnificent Lords*, maturely to weigh the Contents of this Memorial, the Matter requires it, so much the more, that the Preservation of your Alliances, and of a perfect Neutrality depend upon it. I am,

*Soluthern, Sept. 4. 1704.*

Your Affectionate Friend to serve you,  
**PUISIEUX.**

We

We don't find that the Cantons return'd any other Answer to this Memorial than what they had declared formerly, That the same Regulations which were observed with the *French* in their Passage into *Swabia*, should be observed with the *Imperialists* in their Passage into *Piedmont*. September. 

Having done with *Switzerland*, *France* shall be our next Stage, which affords us, indeed, nothing certain concerning the Affairs of the *Camisars*, unless you will give any Credit to the following Letter, pretended to be written by the Marshal *de Villars*, and dated from *Nismes* the Twentieth of September.

Thanks be to God, we are at length in full Tranquillity. The entire Defeat of the Party commanded by *Ravanel*, has stagger'd all the other Leaders of the *Banditti* of this Country. *Catinat* and Five others of those Leaders, surrendered themselves to Day, and will all set out to Morrow for *Geneva*, with *Castagnet*, and a great Number of Preachers, who durst no longer flatter themselves they durst escape the King's Troops and the Hand of Justice. In short, if any Destiny withstood my being employ'd this Campaign in ruining the Enemies Battalions or in preserving the King's, God has favour'd me in enabling me to restore to his Majesty some Battalions that were unluckily employ'd in the Heart of the Kingdom in destroying his own Subjects, and to crush a Rebellion, that was the more dangerous, because there was Cause to fear it would have spread it self into the Neighbouring Provinces. The Number of *Camisars* that have implor'd his Majesty's Clemency, have brought in their Arms, and given good Security for their future Behaviour, exceeds 500. This Moment I am inform'd of an Adventure in the Upper *Cevennes*, which pleases me mightily. Sixty *Camisars* of the Parish of *Fressinet*, in which the Rebels had committed great Disorders, have brought in their Arms, and upon their Knees besought the ancient Catholics of that Parish, to recall their Parish-Priest, who is actually return'd to his Church; they have engaged him to continue there, and have assured him they will all live and die in the Defence and Preservation of his Church.

*Villiers* his Letter about the *Camisars*.

In the mean time, the King being highly incens'd against several Officers for their Mi-behaviour in the fatal Battle of *Hochster*, broke Sixteen of them, viz. Two Major-Generals, and Fourteen Brigadier-Generals. Several Regiments were likewise broken, and incorporated into others, as a Punishment for not doing their Duty in that Battle, tho'

*September.* they told us, he afterwards upon better Thoughts restored them.

All this while they felt the dire Effects of their fatal Overthrow at *Hochstet*, and made sad Complaints of one another's Conduct therein. We have already given a Specimen thereof in a Letter from *Monsieur de Tallard's Aid de Camp* to the Court, wherein the *Gendarmerie* being reflected upon, they thought fit to write an Answer to the Calumnies of *Monsieur de Silly*, to use their own Terms, in a Letter to the same *Monsieur Chamillard*, which is as follows :

*Gendar-  
merie's Vin-  
dication.*

*My Lord,*

‘ Since you order’d me by your’s of the 15th of *September*, to inform you of what pass’d among the *Gens d’Arms*, I think my self obliged, in Absence of the Major, to acquaint you how much all the Officers are grieved at the Reports spread in *Paris* against the *Gens d’Arms*, by *M. Silly*, an Officer of the other Troops, sent to the King by *M. de Tallard*, who is a Prisoner of War, It is impossible, *my Lord*, that their Reputation, so well established by so many different Actions, which have made them the Object of Envy, should be destroy’d by a private and unexperienced Man. Should he be believed when he attempts to disgrace so many brave Men, who did all they could to expose their Lives in the King’s Service on that unfortunate Day, and yet it is but too true that every thing is believed that he says against us, and we are inform’d of his giving it out, that the Flight of the *Gens d’Arms* occasioned that of the Horse. All the Army knows, that we charged twice before the Cavalry came near the Enemy, and that we faced them till Half an Hour after Six at Night, and that it was in the Center, and not in our Post, where the Enemy broke through and the Rout began. This is the Matter of Fact, which no Body can gainsay. Refuse us not then, *my Lord*, on this nice Occasion, the Privilege granted even to Criminals, which is, not to condemn us upon the Report of one single Person, but upon that of several unexceptionable Witnesses accusom’d to Actions of that sort, who saw clearly what pass’d, and who will speak according to Truth, and not out of Envy.

‘ You know very well, that we were much envied, and even at the Battle of *Spiers*, where the *Gens d’Arms* alone broke through the Enemy, and thereby gave Time for our Infantry to come up, we were ill spoken of at first, but you were quickly inform’d of the Truth. Do us the Favour then, *my Lord*, to enquire into this Matter, and you will find that we could do nothing more, considering



Circumstances, but to offer our selves to Slaughter, which we did, without being able to succeed in our Charges upon the Enemy, being exposed to the continual Fire of their Infantry, posted in a hollow Way, with Palliades before them, which was seen by none but those who came as near the Enemy as our selves. I must also inform you, *my Lord*, that we perceived *M. de Tallard* had no Kindness for us, though we do not know that ever we disoblged him; yet we believe him too just to have order'd *M. de Silly* to charge us with the Miscarriage of that unhappy Battle. He did not see the Two first Charges we made, being not return'd till after from the Left of *M. de Marsin's* Army, whither he was gone; and he could not see at his Return, that the Enemy had gain'd Time to form Four Lines before us, one to support another, which made all our Efforts vain, for though we overthrew the first Line, they were speedily restored by the other Three.

In short, had we fled, we should not have had 51 Officers killed and wounded, though there were 53 absent, and almost all those that remain'd had Two Horses apiece kill'd under them, with the great Number of *Gens d'Arms*, which I had the Honour to inform you of before. *Messieurs de Lanion, Hausfort* and *Magnac* can inform you that we fraid upon the Hills of *Hochstet* until Ten at Night; that it was we that brought off from the Castle *Messieurs de Zurlauben* and *de la Baume*, and made up the Rear of the whole as far as *Ulm*.

May we hope you will be so good as to inform the King of those Truths which I have the Honour to write to you, and by that Means to give some Comfort to the Officers, who are struck to the Heart as it were with a Dagger, and who have always sacrificed their Lives and Estates to his Service. We desire this Favour from you, &c.

The Scarcity of Money in *France* was all this while very great, and the following Declaration proves it beyond any thing in the World.

THE King having, by his Declaration of the Month of *March*, 1702. established a Cash of Loans, in order to find Supplies for supporting the Charges of the War, and afforded at the same time, to private Persons, the Means of improving their Money at Eight per Cent: Altho' these Conditions be most advantageous, nevertheless, his Majesty is inform'd, That of late several Persons, not being satisfied to receive the Interest of their Money on that Foot, had withdrawn considerable Sums to improve

Fr. King's  
Declaration  
about Loans  
17.

September.

them to Ten per Cent. That some had negotiated the Bills of the said Cash, although they were not expired, to be employ'd in Payments of Offices, or Advances upon Contracts, which in this present Juncture would entirely break the Measures his Majesty is obliged to take for the early Re-establishing of his Troops, considerably lessen'd by the Losses they have suffer'd, more by the Mortality among the Horses, than that which has been occasion'd by the Advantage his Enemies obtain'd over him at the Battle of *Hochstet*; it being of the greatest Consequence to have Armies proportionable to those of the Enemy, they being equally necessary for the Preservation of the Kingdom in general, and of the Estates of every one of his Subjects in particular. Besides, the Interest has been hitherto paid so regularly, that it seems either an evil Disposition towards the Government, or too eager a Desire to improve Money beyond a reasonable Proportion, has induced those to withdraw it, who formerly came to offer it of their own Accord. His Majesty having for the Time past, as he will for the future, assigned his clearest Revenues for the Payment of Rents on the City, and the Interest of the said Loans, he is perswaded, that his Justice being known so well as it is, by the Experience of many Years, removing the Doubts his good and faithful Subjects may have in relation to the Resolution which his Majesty has taken, to defer, for some time, the Repayment of the Principal, which they have placed on the said Cash of Loans; and that being paid their Interest, they will expect, with Confidence, that better Times will put his Majesty in a Condition to reimburse them. The Premises being considered, and upon hearing the Report of Monsieur *Chamillard*, Councillor in Ordinary of the Royal Council, and Comptroller-General of his Majesty's Revenues; his Majesty being present, has ordered, and does order, That from this Day to the First of April next, a Stop shall be put to the Reimbursement of the Principal Money placed on the Cash of Loans; and that in the mean time, Interest shall be paid, as it has been hitherto, to those who will not take new Bills, until actual Repayment be made to them of the Whole. And as to those who will take new Bills, they shall be used as heretofore.

Given in the King's Council of State (his Majesty being present) at Fontainebleau, the 17th of Sept. 1704.

Sign'd,  
PHILIPPEAUX.

Now,

Now, *France* to solace herself, or rather to amuse the People under these Discouragements, which were also heightened by a great Mortality among their Cavalry, would make them and the World believe what great Success they had against our Fleet in the *Mediterranean*, we have already given the Account transmitted to us by our own Admirals of that Action, its fit we should hear what the *French* have to say, of which take the following Relation. That on the 22d of *August*, the Count *de Toulouse* Admiral of *France* with the Fleet consisting of Fifty Ships came to an Anchor off *Veley Malaga*, Three Leagues Eastward of *Malaga*, to take in fresh Water. Soon after, the Scouts which the Admiral had sent to observe the Enemy made the Signal, that their Fleet was drawing near with a fair Wind. That hereupon the Admiral order'd all the Ships to make ready; but the Sea being Calm, he gave Directions for the Gallies to prepare to tow the Men of War off to Sea. But at Day-break, the whole Fleet weighed by favour of a Breeze that blew gently from the Land, and made towards the Enemy whom the Currents had carried out to Sea. The 24th their Fleet, in a Line of Battle, came up with the Enemy. The Marquess *de Villelle* Lieutenant-General commanded the Van-guard, having behind him in a Second Line the Duke of *Tursis*, with his own Squadrons of Seven Gallies and Five of *Spain*; the Count *de Tolose* Commanded the Center, having behind him the Marquess *de Roye* with Four Gallies; and the Marquess *de Langeron* had the Command of the Rear-guard, with Eight *French* Gallies under the Marquess *de Forville*. The Enemies Van-guard was Commanded by Sir *Cloudestly Shovel*, the Center by Sir *George Rooke*, and the Rear-guard where the Dutch Ships were by Vice-Admiral *Calemberg*. They had Sixty Ships, almost as large, and Bomb-Vessels that did them good Service. Sir *Cloudestly Shovel* advanced before the Wind, separating himself from the Center, but observing that the Marquess *Villelle* endeavoured to surround him, he kept to the Wind: And Sir *George Rooke*, seeing the Danger he was in, bore upon the King's Fleet. The Fight began about 10 a Clock North and South off *Malaga*, 10 or 11 Leagues from shore, and lasted till Night. The Fire was extraordinary on both sides, and notwithstanding the Enemy had the Advantage of the Wind, which blew the Smoak upon the *French* Fleet, they always kept as near the Wind as they could, while the Count *de Tolose* made all possible Efforts to approach them. The Marquess *de Villelle* had so roughly used the Van of the Enemy, having obliged Five of their Ships to quit their Line, that he would have entirely put the same into disorder, had not a Bomb fallen upon his Stern and set it on Fire, which obliged him to quit the Line to extinguish the Fire. Another Bomb fell on the Ship of

French Relation of the Sea-Fight.

*September.* the *Sieur de Bellisle*, who quitted the Line to refit, as did likewise those of the *Sieurs de Grancey, Osmont, Rowuroy, Pontac,* and *Roche Allard*. The latter fought the Ship of *Sir Cloudefly Shovel* of Ninety Guns, tho' he had but Sixty. The *Sieur Chammeslin* Boarded Three times a Ship of the Enemy, but quitted the same, seeing she was on Fire in several Places, but because of the Smoak could not see whether she sunk. The Baily of *Lorrain* was killed with a Cannon-shot and the *Sieur de Relingue* had a Leg shot off. They were the Count de *Tbolouse's* Two Seconds and distinguished themselves very much, following the Example of their General. The Enemy continuing to sheer off, the Fight with the Van ended about Five, with the Center about Seven, and with the Rear towards Night. The *French Fleet* pursued with all their Lights out, whereas the Enemy, their Flag-Ships excepted, had none. The 25th the Wind blowing again from the West, the Enemy Sailed towards the Coast of *Barbary*, so that they lost sight of them at Night. The 26th in the Morning they were seen again about Four Leagues distance, the Wind having again shifted to the East, which gave them a fair Opportunity to renew the Fight, but they did not think fit to approach. They were not heard of afterwards, whereupon it was judged they had repassed the *Streights*, and this obliged the Count de *Tbolouse* to return the 27th to *Malaga* with the Gallies. We had about 1500 Men killed or wounded. But they did not know the loss of the Enemies, which must be very great, and several Persons said, that Two of their Ships sunk.

To bear up the Spirits of the People, the King sent the following Letter to the Cardinal de *Noailles*, to cause *Te Deum* to be sung for this Advantage (as he calls it,) obtained by his Fleet.

Fr. King's  
Letter for  
*Te Deum*,  
for the Seas  
Fight.

Cousin,

THE Fleet I caused to be drawn together in the *Mediterranean*, under the Command of my Son the Count de *Tolose*, Admiral of *France*, has not only rendred fruitless the Enterprises, which the *English* and *Dutch Fleets* joined together, proposed to execute on the Coasts of *Catalonia*, but has ended the Campaign gloriously by a general Engagement, all the Advantage of which is on my side. Notwithstanding the Enemies were considerably superior in Number, and were favoured by the Wind, their first Efforts were sustained with so great Valour, by all the Officers and Men on Board my Ships, animated by the Example of their General, that during a Fight of Ten Hours the Enemy thought only of defending themselves, of avoiding being Boarded by my Ships, which attempted it several Times, and of saving themselves by Flight; so that the

Two



Two following Days the Count *de Toloſe*, who uſed his utmoſt Endeavours to come up with them, could not draw them into a Second Engagement. This happy Succeſs obliges me to render publick Thanks to God; whereof I write this Letter, to order you to cauſe *Te Deum* to be ſung in the Metropolitan Church of my good City of *Paris*, &c. *Fontainebleau*, Sept. 17. 1704.

Other Accounts we had of the pretended Advantage of the *French* over us, but the following one being published in *England* by Authority, and the Title importing it was written from on Board the *French* Fleet, its here inſerted.

THE 22d Aug. N. S. being at Anchor before *Velez Malaga*, whither we were come to Water, our Scouts made a Signal of ſeeing the Enemy's Fleet. It was then paſt Three of the Clock in the Afternoon, and there was ſo little Wind, that every one judged the Enemy could not come up with us that Day; and had we weigh'd Anchor, the Tide, which in that Place is very ſtrong, would have brought the Line into Diſorder; ſo all we did was immediately to ſend for the Men we had on Shoar, and to order the 24 *French* and *Spaniſh* Gallies that were with us, to place themſelves near ſo many Ships, which they were to tow a little before Day-light a League out to Sea, and then to come back for the reſt, and tow them likewise into their Places, that when the Enemy came they might find us in a Line of Battle; at Night there ſprung up a ſmall Gale of Wind from the Land.

The 23d, by Break of Day, we weigh'd Anchor: The Current, which there runs very ſtrong to the Eaſtward, had carry'd away the Enemy's Fleet in the Night, ſo that we had loſt Sight of them. We went away large in Search of them, and about Ten in the Morning our headmoſt Ships gave a Signal, that they made the Enemy's Fleet, which we ſaw ſoon after at a great Diſtance to the Windward. We ſpent the reſt of that Day in preparing for the Engagement, and in making our Line, as well as the little Wind we had would permit.

The 24th, by Break of Day, we diſcovered the Enemy about Three Leagues ahead of us, and bearing towards our Fleet. We were then about 10 or 11 Leagues South of *Malaga*. Their Fleet conſiſted of Three Squadrons; that which bears the White Flag, with a Red Croſs, was commanded by Admiral *Shovel*, and was in the Van; the Second Squadron, which carried the Union Flag in the Main-Top, was commanded by Admiral *Rook*, and was placed in their Center; and the 3d, conſiſting of all the *Dutch* Ships, under Admiral *Callenberg*, as we are told, was

A full Account of the Fight in the Mediterranean.

September.

was in their Rear. We told 74 Sail, of which there were 56 that came into the Line, and there were others at a Distance, which appear'd to be large Ships, that join'd them during the Fight; so that, according to the Report of several Persons, their Line consisted of Sixty Sail, in which Number were very few small Ships. Our Fleet consisted likewise of Three Squadrons, the White and Blue, which was in the Van, commanded by the Marquess *de Vilette*; the White Squadron, commanded by the Count *de Thoulouse*, in the Center; and the Blue Squadron, under the Command of the Marquess *de Langeron*, in the Rear: As for the Gallies, the Marquess *de Roye* was in the Center with Four of them; the Duke *de Turfis* in the Van with his Seven, and Five other Spanish Gallies; Monsieur *de Fourville* in the Rear with Eight French Gallies.

Being thus disposed, we sail'd with a Quarter-Wind, with our Top-Sails up, to the End we might the more easily preserve our Line, and order our Motions, as should be judg'd convenient, with Regard to the Working of the Enemy. We perceived that their Van bore down upon ours, and was already at a great Distance from their Center.

The Marquess *de Vilette*, thinking he might get ahead of that Squadron with his foremost Ships, made a Signal to the headmost Ships of our Line to crowd all the Sail they could; and Admiral *Shovel* still bearing down upon us, insensibly found himself in our Line ahead of us, at some Distance from their Center. We judg'd this to be a favourable Opportunity, and resolv'd to make our Advantage of it, by keeping our Wind, and crowding all the Sail we were able in the Center, in order to cut off the Enemy's Van from the rest of their Fleet; hoping, that if it grew calm, which usually happens in a Sea-Fight, our Gallies might tow us, so as that we might make a Double, and weather them, and fire upon them on both Sides, which would infallibly have happen'd, could we have put this Design in Execution. But Admiral *Shovel* having discover'd our Intentions, immediately clapt upon a Wind: And the Admiral of the Enemies Fleet foreseeing what would be the Consequence of it, gave the Signal for Engaging, and bore down upon us with the headmost Ships of his Line, which accordingly begun the Fight. It was then Ten of the Clock; the whole Line began to fire: Our Ship being in the Centre, I can only give an Account of what pass'd there upon my own Knowledge; and as for what relates to the Van and Rear I have been oblig'd to rely upon the Report of the Officers employed in those Divisions: And our Firing rais'd so great a

Smoke,

'Smoak, that sometimes we could hardly discern the Ships that were a-head and a-stern of us. The Firing was very brisk on every side; and the Marquis de Villette had undoubtedly gained a considerable Advantage over the Enemy's Van, since, as is said, Five of their Ships had already quitted the Line, if a Bomb had not fallen upon his Poop, and blown it up, setting his Ship on fire, which was in danger of Blowing up, had he not bore away out of the Line to repair his Defects, and prevent this Misfortune. The same thing happen'd to Monsieur de Belle Isle's Ship, which was set on fire by a Bomb, and thereby obliged to bear away; he himself was kill'd a little before. And as to the Centre, there happen'd a Thing, which perhaps was never known in a Fight where a whole Line has been engaged, and where the Enemy has the Weather-gage, which is, that a Ship in the Van of our Admiral's Division, commanded by Monsieur de Champmelin, thrice boarded one of the Enemies Ships which lay next him, and left her the Third time, seeing her on fire in several places; but by reason of the great Smoak he could not tell what became of her: He was afterwards so disabled in the Hottest of the Engagement, that he was obliged to quit the Line, in order to refit; as was also soon after the Chevalier de Grancy, whose Ship had receiv'd abundance of Shot in her Hull, and was wholly disabled.

'The Fight was also very sharp in the Rear; and they believe they saw, from on Board several Ships of that Division, one of the Enemies Ships sink with which they were engaged. Monsieur de Rouvre, who was one of Monsieur de Langeron's Seconds, having after Two Hours fight receiv'd so many Shot that the Water poured into his Ship, was obliged to go out of the Line to stop his Leaks; Monsieur Rocalard, the Elder, who with his Ship of Sixty Guns engaged Admiral Shovel of Ninety Guns, was also obliged to quit the Line, his Ship having receiv'd many Shot, and being totally disabled; the Chevalier d'Osmon and Monsieur de Poulett, who commanded but small Ships, and were engaged with others which were much larger, were forced to follow his Example. We also saw many of the Enemies Ships which retired out of the Battle; but we generally kept our Line, and upon the whole Matter, it was the Enemy that desired to give over, and to bear off, keeping the Wind as much as was possible. The Bailly of Lorain, who was one of our Admiral's Seconds, always kept his Post a-head of him, and did all that could be expected from a very brave Man, until he was kill'd; and Monsieur Grandpre, who after his Death, took upon him the Command of that Ship, must have that Justice done him, to say, That we did not miss the Bailiff, his Ship performing  
still

September.

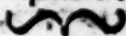
‘ Still all that could be desired. *M. de Relingue*, our Admiral’s other Second, who fought a-ſtern of him, did likewise answer all the Expectations that could be had from one who is known to be ſo good an Officer as he is; he had his Leg ſhot off after he had fought about Two Hours; and *Monſieur de Rochlard*, the Younger, who after this Accident commanded that Ship, did alſo maintain his Poſt ſo well, made ſo great a Fire, and did it with ſo much Judgment, that there was no want of any thing whereby we might diſcover that *Monſieur Relingue* was wounded. The Battle ended in the Van between 4 and 5 in the Afternoon; in the Centre at near Seven, and in the Rear the Enemy kept ſtill firing after Night was come on, but it was at ſuch a Diſtance, that their Shot could hardly reach us. There cannot too much be ſaid in Praise of the Officers of the Admiral’s own Ship, and of the *Guards de la Marine*, who both ſhew’d all the Valour and Sedateness that could be deſired. Should one attempt to ſay all that is to be ſaid in Commendation of every Officer in the Fleet, there would never be any End of it, all having behaved themſelves like Men of Courage and Reſolution. All that troubles us, is the great Number of brave Men we have loſt on this Occaſion; but a Battle like this can never happen without the Loſs of abundance of gallant Men.

‘ We continued the Night after the Engagement within Cannon-Shot of one another. All the Ships in our Fleet carried their Lanthorns out; but the Enemies Flags only had Light aboard.

‘ The 25th in the Morning, the Wind being changed and chopt about to the Weſtward, the Two Fleets form’d each their Line a-new, having been put into Diſorder by the Currents, the Calm, and the Darkneſs of the Night. The Fleets were then about a League aſunder, and in this Poſture ſteer’d along the *Spaniſh* Coaſt, each having Occaſion to repair their Defects, in the doing of which all that Day was employ’d. It ſeem’d to us, that the Enemy were very willing to get inſenſibly to a farther Diſtance from us; and in Effect they managed it ſo, as that when Night came on they were Three Leagues from us. Then they turn’d their Heads towards the *Barbary* Coaſt: As for us, we ſtill continued our Courſe towards the Coaſt of *Spain* till Midnight, and then tack’d about towards the Coaſt of *Barbary*, in order to meet our diſabled Ships, which could not keep up with us, and to the Windward of the Enemy: By this means of having thus alter’d our Courſe, we found our ſelves next Morning pretty near one another; but the Wind came about again to the  *Eaſt*, and then the Enemy being about 4 Leagues to Windward of us, had a fair Opportunity of renewing the Fight, if they had thought fit; but they did

not





not appear to have any Inclination to it. They kept us Company all Day, without approaching any nearer. In the Night, the Wind being still at East, we kept on our Course, making towards the *Spanish* Coast, whither we were willing to carry our Gallies, which were in a Sea very hazardous for Vessels of that Built, and to put off from the *Barbary* Coast, fearing we should have been carried too near to it by the dangerous Currents which drive to the Landward. It is probable the Enemy made use of that Wind to get back to the *Streights*; for we have not heard of them since; and though several Frigats have been sent out to observe them, we have not yet been able to discover what Course they steer'd; but if they went off towards the *Streights*, they have left us in Possession of the Field of Battle, and do thereby confess, that they do not desire to have any more to do with us, unless they have yet a greater Superiority.

For our Part, we are return'd to the same *Velez Malaga*, where they came upon us, and where we expect to hear from them, and design in the mean time to take in Water. I had forgot to mention, that about Three a Clock Two Frigats advancing towards our Admiral, were taken to be Fireships that were endeavouring to come up to us by the Favour of a very great Fire, which Admiral *Rook* and his Second made upon him, but they were Two Bomb-Ketches, that fired several Bombs at him, as was observed from the Frigats, which we had on each Wing, for we could not so well discern it, by reason of the great Fire.

The Enemy had all the Advantages on their Side that they could desire, the Superiority in Number of Ships, the Wind of the King's Navy, which continued to blow fresh during the whole Fight, and the Sea agitated enough to prevent our receiving from the Gallies all the Assistance that was to be expected from the good Disposition of those on Board them; notwithstanding all which, they did tow Two Ships in our Rear, which were fallen much to the Leeward, and brought them again into the Line. And they ought to be greatly praised for having with so much Resolution continued as they did, in a Sea so dangerous as that is, especially since our having lost *Gibraltar*.

We have been assured, that they sunk one of the Enemy's Ships in the Van; if so, the Enemy must have lost Two.

It's very remarkable, that all the Relations given by the *French* of this Engagement speak of our Bombs doing them much Mischief, and forcing several of their Ships out of the Line;

September.

Line; whereas it's manifest we had not a Bomb-Galley there, the same having been left behind at *Gibraltar*; and that this was an Excuse only to colour their Unability to stand the Shock of such of our Ships as bore close to them whose Fury they could not bear.

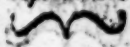
We thought to have said more concerning this Action but there being some People, perhaps, in the World, who may think Vice-Admiral *Callenberg's* Letter to the State of *Holland* to be less partial than some of the rest, the same here follows:

*High and Mighty Lords,*

Admiral  
*Callenberg's* Letter to the  
States about  
the Sea-  
Fight.

5.

MY last Letter to your High Mightinesses was dated the 27th of *August*, *Ulm*, to which with all imaginable Respects I refer. Admiral *Shovel* and Vice-Admiral *Wassenaer* returned to an Anchor in the Bay of *Gibraltar* the same Day I wrote that Letter. And then the Resolution which the Council of War had taken Two Days before was changed, and it was agreed, that instead of going by separate Squadrons to Water on the Coast of *Barbary*, East of *Tetuan*, the whole Fleet should stand over thither the first fair Wind, and take in fresh Water at once. We sail'd for that Coast the 12th. leaving behind at *Gibraltar* 800 *English* Marines, and at the Request of the Prince of *Demastad*, we left in the Bay your High Mightinesses Bomb-Vessels, the Bombardiers and Fireworkers were likewise ordered to go into the Town, and during our Absence to continue there and obey the Prince. The 14th the Fleet Anchored under Cape *Tetuan*, and having taken in Water and some fresh Provisions, sailed again the 19th. The 21st. our Scouts being between *Gibraltar* and *Malaga* made the Signal of seeing the Enemy's Fleet. Whereupon Admiral *Rook* called a Council of War, at which the *Dutch* as well as *English* Officers were present, and upon the Report of the Captains of the Scouts that the *French* Fleet consisted of 66 Sail, besides 24 Gallies, it was resolved that they having the Wind of us, we should wait for them before the *Streights*, in case the Wind continued at East, and that half the Garrison of *Gibraltar*, should be taken on board the *English* Ships of War. The next Day the *English* drove a *French* Ship ashore under *Marabelle*; her Crew set her on Fire, and escaped themselves ashore. It was either an Hospital Ship, or a Tender. The 23d. we perceived the Enemy to Leeward of us. We stood towards them, but could not get up with them that Day. We pursued them all Night and at Day-break, the Wind being Easterly, we saw them on our Lee waiting for us with 54 Ships of the Line of Battle, and 24 Gallies, as near as we could reckon. We bore down upon them, Admiral *Shovel* being in the Van, and your



your High Mightinesses Squadron in the Rear. About Ten in the Morning we were all engaged, and the Fight was very sharp because we had Calm Weather. Our Ships suffered in their Masts and Rigging and spent so very great a Quantity of Powder, that during the Action we were obliged to have Cateridges filled. We Cannonaded each other in this Manner till Night. Captain *Herman Lynslager*, Commander of your High Mightinesses Ship the *Nimeguen*, was killed, and the Secretary *Vander Schuur* had his right Heel shot away. Your High Mightinesses will see by the underwritten List the Number of the rest that were killed or wounded. In the Night we made necessary Preparations, and the next Morning the Wind being at West, which gave the Enemies the Advantage, we lay by and waited for them, and worked to repair our Damages as well as the Time would permit, and Ammunitions of War and other Things were distributed out of the Store-Ships, that all of us might be in a Condition to Fight; but the Enemy kept aloof, shewing no Inclination to renew the Fight that Day. A little after Twelve a Clock Admiral *Rook* called a Council of War, in which Admiral *Shovel* reported, that the Van of the *French* had continually retired from him, so that he had not been able to engage them as he would have done. It appeared to the Council likewise, that Admiral *Rook* with the Center, and we in the Rear, had been engaged in a very sharp Fight. And that Her Majesty's Ships of the said Admiral's Divisions, had likewise spent the greatest part of their Powder and Shot, so that they had but Ten Rounds left, which would not serve for above an Hour's Fight. Whereupon it was resolved to sail with the Fleet, towards *Gibraltar*, and to provide there all that was necessary, as well for the Ships as for the Place, that is to say, in case we should see the Enemy no more. I went on board your High Mightinesses Ship the *Karwyk*, commanded by Captain *Schryver*, because the *Albemarle*, which I quitted and left to be commanded by Captain *Visser*, was not in a fit Condition to carry the Flag. All the Night we let our selves drive Eastward. The 26th. we saw the *French* Fleet again, between us and the *Straits*. They lay with their Head Northward, and we let our selves drive that they might come up with us next Day; but the 27th we saw none of them, and therefore pursued our Course to the Bay of *Gibraltar*, pursuant to the Resolution that had been taken. At Three in the Afternoon the *Albemarle* unhappily blew up; only Monsieur *Rambours* and Nine Men were saved; but they could not tell by what Accident the Ship took Fire. The 4th. of this Month we came to an Anchor in the Bay of *Gibraltar*. In a Council of War held the same Day, it was resolved, That seeing the Season was far

*September.* advanced and our Vissuals almost spent; the Damage of the Ships had received being repaired, and *Gibraltar* provided with 2000 *English* Marines, and with all Things necessary for its Defence, we should repass the *Streights*, return home with the first fair Wind: But that if the Wind held at West, we should Water again on the Coast of *Bary*, and take in refreshments for our Sick and Wounded. Pursuant to this Resolution, we weigh'd Anchor the Morning to return, having the Wind fresh at East. am, &c.

*From on board the Katwyk without the Mouth of the Streights*  
Sept. 5. 1704.

G. Callenbourn

The List of the *English* Fleet being already given, we shall add in this Place, that of the *Dutch* Ships that were in the Engagement, which were these only. *Dort, Gelderland, Union, Carwyck, Nimeguen, Bavaria, Lyon, Damiate, Flushing, Almarle*, The Arms of *Utrecht*, and *Friesland*. *Dutch* killed & Wounded 268, in all 360.

If we survey *Spain* and *Portugal*, there is nothing but Preparations made to take the Field next Month, and therefore taking the Opportunity of returning Home with the Fleet, they arrived safe, though much shatter'd; *Spirthead* on the 25th, and on the 29th the Admiral waited on the Queen, by whom he was graciously received, and also by his Royal Highness, without the ridiculous Admiration of Respect that the over-weening Affections of some, and the Credulity of others, dispersed upon this Occasion.

Queen goes  
in Procession  
on to St.  
Paul's.

7.

In the mean time, Her Majesty, to shew Her Gratitude to Almighty God for the glorious Success he was pleased to give Her Arms and Her Allies in the great Battle of *Hyndelstet*, having by Proclamation appointed the 7th Instant a solemn Day of Thanksgiving, and declared Her Intention of going in Person to that End to the Cathedral Church of *St. Paul*, all the Lords and Privy-Councillors that were in and about the Town met about Eight in the Morning in the Council Chamber at *St. James's*, the Knights of the most Noble Order of the Garter, wearing the Collars of the said Order; and having been Marshall'd by the Officers of Arms, proceeded about Ten a Clock in their Coaches, with Six Horses each toward *St. Paul's*.

Her Majesty came afterwards attended in the following Manner: First, The Knight Marshal with his Men on Horseback; then the Equeries and Gentlemen Ushers to his Royal Highness in his Leading Coach. One Equery, Two Pages of Honour, and the Gentlemen Ushers in waiting in Her Majesty's Leading Coach; In another of Her Majesty's Coaches



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Coaches the Women of the Bed-Chamber to Her Majesty: *September.*  
 In another the Maids of Honour: His Royal Highnesses Body Coach, with the Lords of his Bed-Chamber, Four Ladies of Her Majesty's Bed-Chamber, viz. The Dutchess of *Somerset*, the Marchioness of *Hartington*, the Lady *Henrietta Godolphin*, and the Countess of *Abingdon*, in the Travelling Body Coach: The Duke of *Somerset* Master of the Horse, with the Duke of *Ormond* the Captain of the Guards in waiting, in Her Majesty's Body Chariot each drawn by Six Horses: A Detachment of the Horse Granadiers: Her Majesty's Footmen: After them the Yeomen of the Guard on Foot, some before, and some on each Side of Her Majesty's Coach: Then Her Majesty, with his Royal Highness, the Dutchess of *Mariborough*, Groom of the Stole, and the Lady *Fretcheville*, being the Lady of the Bed-Chamber in waiting, in the Coach of State, drawn by Eight Horses. Her Majesty's First Troop of Horse-Guards closed the Procession.

The Streets through which Her Majesty passed were lined from St. *James's* as far as *Temple-Bar* by the Militia of *Westminster*, from thence to St. *Paul's* they were railed and hung with Blue Cloth, the City Train'd-Bands lining both Sides; and upon Scaffolds erected for that Purpose were placed the several Companies in their Gowns, with their respective Flags, Streamers and Musick. A Battalion of each of Her Majesty's Regiments of Foot-Guards made a Lane from the West Entrance into the Church to the Door of the Choir. The Balconies and Windows of the Houses were hung with Carpets and rich Tapestry, and crowded with great Numbers of Spectators.

At *Temple-Bar* Her Majesty was met by my Lord-Mayor, in a Gown of Crimson-Velvet, and the Aldermen and Sheriffs in their Scarlet Gowns, being all on Horseback. The Lord-Mayor alighted, made a short Speech to Her Majesty, and surrendered to Her the City Sword, which She was pleased to return to him, and he carried it before Her Majesty to the Church, the Aldermen and Sheriffs riding before him.

Her Majesty being come to St. *Paul's*, was met at the West Door, at Her alighting out of the Coach, by the Great Officers of State, the Nobility and Privy-Councillors, who from thence proceeded to the Choir in the following Order: First, Two Officers of Arms; Then the Privy-Councillors who were not Peers, Two and Two: Five Officers of Arms; The Peers Temporal and Spiritual, Two and Two, *Norroy*, King of Arms: The Great Officers of State, viz. The Lord Privy-Seal, Lord-President, Lord-Treasurer, Lord-Keeper, and Lord Archbishop of *Canterbury*: The Serjeants at Arms with their Maces, and

*September.* Garter King of Arms : The Duke of *Richmond* with the Sword of State : Her Majesty was led by his Royal Highness, and was followed by the Dutchess of *Mariborough*, and the Lady *Fretcheville*. The Earl of *Kens*, Lord Chamberlain of Her Majesty's Household, and the Right Honourable the Vice-Chamberlain, attending near Her Majesty's Person, the Duke of *Ormond*, Captain of the Guard, and Duke of *St. Albans* at the Head of the Band of Gentlemen Pensioners, closed the Procession.

Her Majesty and his Royal Highness being entred into the Choir, seated themselves in Two Arm'd Chairs on a Throne erected at the West End thereof, opposite to the Altar : Behind Her Majesty were Stools for Two of the Ladies of the Bed-Chamber, and the Great Officers in Waiting attending Her Majesty and his Royal Highness. The Peers and Privy-Councillors were placed on the North Side of the Choir, the Ladies of the Bed-Chamber in the Stalls on the South Side, and the Maids of Honour, and Her Majesty's Bed-Chamber Women below them. The Peeresses were placed at the West End of the middle Gallery ; and the Foreign Ministers with their Ladies filled up the Places prepared for them in the middle Gallery on the same Side with the Peers. At the East End of that Gallery were seated the Lord-Mayor, Aldermen and Sheriffs Ladies ; and at the East End of the South Side, the Lord-Mayor and Aldermen. The upper Gallery on the North Side was filled by the Members of the Honourable the House of Commons who were in Town ; and the rest of the Galleries by the Ladies, and other Persons of Quality, that attended at this Solemnity. The Dean and Prebendaries sat within the Rails of the Altar, except such as officiated in reading Prayers. The Reverend Dr. *Sherlock*, Dean of *St. Paul's*, preached a Sermon, the Text being the 53d Psalm, Ver. 11. The Hymn, *Te Deum*, with other Anthems, were admirably well perform'd by Her Majesty's Choir and Musick.

Divine Service being ended, Her Majesty and his Royal Highness return'd to *St. James's* in the same Order and State that they came. The Great Guns of the *Tower*, those upon the River, and the Train in *St. James's Park* were thrice discharged ; the first time when Her Majesty took Coach at *St. James's*, the second at the Singing of *Te Deum*, and the third when Her Majesty came back to Her Palace.

As this Victory was in all its Circumstances the most glorious and considerable that has been gain'd in many Ages, the Rejoicings were suitable to the great Occasion ; and Her Majesty's Subjects gave all the Demonstrations imaginable of their Affection to Her Majesty's Person, and Zeal for Her Service.



October.

We are insensibly got into another Month, and nothing occurring in *England* till the Meeting of the Parliament on the 24th at *Westminster*, Her Majesty made the following most gracious Speech to both Houses.

*My Lords and Gentlemen,*

THE great and remarkable Success with which God hath blessed our Arms in this Summer, has stirr'd up our good Subjects in all Parts of the Kingdom, to express their unanimous Joy and Satisfaction; and I assure my self you are all come disposed to do every thing that is necessary for the effectual Prosecution of the War, nothing being more obvious, than that a timely Improvement of our present Advantages will enable us to procure a lasting Foundation of Security for *England*, and a firm Support for the Liberty of *Europe*; This is my Aim; I have no Interest, nor ever will have, but to Promote the Good and Happiness of all my Subjects.

Queen's  
Speech in  
Parliament.  
24.

*Gentlemen of the House of Commons,*

I must desire such Supplies of you, as may be requisite for Carrying on the next Year's Service, both by Sea and Land, and for punctually performing our Treaties with all our Allies, the rather, for that some of them have just Pretensions depending ever since the last War, and I need not put you mind of what Importance it is to preserve the Publick Credit, both Abroad and at Home.

I believe you will find some Charges necessary next Year, which were not mention'd in the last Sessions, and some extraordinary Expences incurr'd since, which were not then provided for.

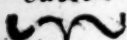
I assure you that all the Supplies you give, with what I am able to spare from my own Expences, shall be carefully applied to the best Advantage for the Publick Service; and I earnestly recommend to you a speedy Dispatch, as that which, under the good Providence of God, we must chiefly depend upon to Disappoint the earliest Designs of our Enemies.

*My Lords and Gentlemen,*

I cannot but tell you how essential it is for attaining those great Ends Abroad, of which we have so hopeful a Prospect, that we should be entirely united at Home.

It is plain, our Enemies have no Encouragement left, but what arises from their Hopes of our Divisions; 'tis therefore your Concern not to give the least Countenance to those Hopes.

October.



' My Inclinations are to be kind and indulgent to you all;  
' I hope you will do nothing to endanger the Loss of this  
' Opportunity, which God has put into our Hands, of se-  
' curing our selves and all *Europe*, and that there will be no  
' Contention among you, but who shall most promote the  
' Publick Welfare.

' Such a Temper as this, in all your Proceedings, can-  
' not fail of securing your Reputation both at Home and  
' Abroad.

' This would make me a happy Queen, whose utmost En-  
' deavours would never be wanting to make you a happy  
' and flourishing People.

Next Day the Lords presented the following Address to  
Her Majesty:

Lords Ad-  
dress to the  
Queen.

25.

' **WE**, Your Majesty's most Dutiful and Loyal Subjects,  
' the Lords Spiritual and Temporal in Parliament as-  
' sembled, beg Leave to return Our humble and hearty  
' Thanks to Your Majesty for your most gracious Speech to  
' Your Parliament.

' The Kindness and Indulgence Your Majesty hath ex-  
' press'd for all Your Subjects; Your Care to create a per-  
' fect Union amongst Us, by forewarning Us of the Mischiefs  
' of Divisions; Your Goodness in declaring Your Own  
' Happiness to depend upon that of Your People; Your De-  
' sire to see that Happiness settled upon a lasting Foundation;  
' Your strict Regard to Treaties; Your Justice to publick  
' Engagements Abroad, as well as at Home, and Your  
' noble Concern for the Support of the Liberties of *Europe*,  
' comprehend all the Royal Qualities that can be desired in  
' a Sovereign; and when they are all so manifestly united in  
' Your Royal Person, We, and the whole Nation, should  
' be inexcusable to God, and to the whole World, to this  
' Age, and to Posterity, if we should not endeavour ef-  
' fectually to accomplish all those Great and Excellent De-  
' signs which Your Majesty hath so wisely and graciously re-  
' commended.

' We for Our selves faithfully assure Your Majesty, That  
' We will do all in Our Power to bring this Session to a  
' happy and speedy Conclusion, and to improve to the ut-  
' most the blessed Opportunity that God has put into Our  
' Hands.

' Upon this Occasion of approaching Your Majesty, We  
' desire humbly to congratulate the Great and Glorious Suc-  
' cess of Your Majesty's Arms, in Conjunction with those of  
' Your Allies, under the Command of the D. of *Marlborough*;  
' We can never enough admire Your Wisdom and Courage in  
' send

'sending that seasonable and necessary Assistance to the Empire; and We cannot too much commend the Secresie and Bravery with which Your Orders were executed.

What remains for Us to do, is to beseech God, That the like Success may attend Your Majesty's Arms, till You see the Protestant Religion and the Liberty of Europe settled upon a firm and lasting Foundation, and that Your Majesty may live many Years to have the Pleasure and Glory of beholding those Parts of the World happy in the Enjoyment of those Blessings which Your Majesty shall have procured for them.

Her Majesty's most gracious Answer to the Address was to this Effect:

My Lords,

I Am very sensible of the great Duty and Affection which you have express'd in the several Particulars of this Address  
I return you my hearty Thanks for your Congratulation of Our great Success, and for the Assurances of your Readiness to concur in prosecuting it effectually.

Queen's Answer,

The Commons likewise on the same Day presented an Address to Her Majesty:

WE, Your Majesty's most Dutiful and Loyal Subjects, the Knights, Citizens and Burgesses in Parliament assembled, do beg Leave to return to Your Majesty our most humble and hearty Thanks for Your Majesty's most Gracious Speech from the Throne; and to Congratulate Your Majesty upon the Great and Glorious Success with which it has pleased God to Bless Your Majesty in the entire Defeat of the United Force of France and Bavaria, by the Arms of Your Majesty and Your Allies, under the Command, and by the Courage and Conduct of the Duke of Marlborough; and in the Victory obtain'd by Your Majesty's Fleet, under the Command and by the Courage and Conduct of Sir George Rook.

Commons Address to the Queen,

Your Majesty can never be disappointed in Your Expectation from Us, Your faithful Commons, who all come disposed to do every thing necessary for the effectual Prosecution of the War; and therefore Your Majesty may depend upon our providing such Supplies, and give such speedy Dispatch to the Publick Business, as may enable Your Majesty to pursue these Advantages so happily obtain'd over the Common Enemy; which we can never doubt but Your Majesty's Wisdom will improve to the procuring of a

October.

laking Security for England, and a firm Support for the Liberty of Europe.

' We are truly sensible, that nothing can be more essential for the attaining those great Ends, than to be entirely united at Home: We shall therefore use our utmost Endeavours, by all proper Methods, to prevent all Divisions among us; and will have no Contention, but who shall most promote and establish the Publick Welfare both in Church and State: Thus Your Majesty's Reign will be made happy, and Your Memory blessed to all Posterity.

Her Majesty's most gracious Answer to this Address is as follows:

Queen's  
Answer.

Gentlemen,

I Return You My Thanks for this Address, and the Assurances you give Me of dispatching the Supplies, and avoiding all Divisions; both which, as they are extremely acceptable to Me, so they will be advantageous to your selves, and beneficial to the Publick.

Regulations  
about  
Horses in  
the Empire.

We shall for the present leave the Parliament preparing, to take into their Consideration the arduous Affairs lying before them, and so wasting over into the Netherlands, there we find the States-General ordering the Troops in their Service, to be forthwith Recruited, and their Cavalry remounted; and the Money necessary for that Service was actually issued out. They likewise published several Orders against the Selling of Horses to the French and Spaniards, and the Governours of their Frontier Places were order'd to have perpetually Parties abroad, to prevent that pernicious Trade. The Elestor Palatine, the Chapter of Cologne, the Elestor of Trier and Mentz, and in general all the Members of the Empire did the same, according to the new Regulation agreed upon in the Dyet of Ratisbonne, which was in Sub-  
stance to this Effect: 1. All the Lords of the Empire shall take an exact List of the Horses in their respective Lordships. 2. Subjects and Vassals shall not be allowed to sell any Horses without Licence from their Sovereign. 3. The Name of the Buyer and Seller shall be carefully register'd. 4. All Officers who shall buy Horses for remounting the Cavalry of the Allies shall be obliged to produce Certificates of their Generals. 5. When the said Generals shall review the Horses bought up for remounting their Cavalry, or for the Equipage or Service of Officers, they shall restore such, as shall appear unfit for the same, but Care shall be taken, that they may not be sold to the Enemies. 6. No License shall be given to send Horses over the Rhine, nor beyond the Lines of Stolboffen, the Black-Forest, or the Danube,



sube, nor for any Neutral Places. 7. That to prevent the Interruption of Commerce, by reason of this Order, care shall be taken to register in the respective Districts of the Empire, the Hair, Age, and other Qualities of Horses belonging to Carriers, who shall come into the said Districts, and that they shall not be allowed to have in their Return any other Horses, but such as they had at their coming in. 8. And lastly, to prevent the Commissioners, appointed for the Execution of these Regulations on the Frontiers, from carrying on themselves that *Clandestine Trade*, the Governours shall send sufficient Patrols abroad, and one half of the Fines, and Forfeitures, mentioned in the general Decree of the Dyet, *Anno 1688.* on that Subject, shall be given to the Informers.

The Spaniards on their part being likewise sensible in what Need they stood of Horses to remount their Cavalry, made this following Regulation for themselves: Upon the Remonstrance made to the Count de Bergeyk, Minister of War; that it will be impossible to procure from Foreign Countries Horses enow to remount the Cavalry, because of the great Mortality that has been among the Horses this Campaign; and that consequently it will be indispensibly necessary to provide the greatest part of the Horses wanted, in the Counties under our Obedience, His Majesty having taken the same into Consideration, has by advice of his Council and upon the Deliberation of his Vicar General, forbidden and prohibited, and by this present Ordinance forbids and prohibits, the selling of any Horses to any Persons whatever, either to Horse-Couriers, Officers, or to private Persons, without his Majesty's leave; on the penalty of a Fine of 100 Patacoons, one half of it to be paid to the Informer, the other to his Majesty. And in consequence of the Promises, his Majesty commands all Bailiffs and Mayors of Parishes, within Eight Days after the Receipt of these Presents, to take Lists of all the Horses in each Parish under their respective Jurisdictions, specifying the Age, Height, Colour, and Marks of each Horse, without any Fraud, on the Forfeiture of Fifty Patacoons for every Horse which they shall leave out of such Lists; the said Forfeiture to be paid to the Informer. Which Lists shall be remitted within Eight Days after they are taken, in the Province of *Brabant*, *Hainault*, and *Namur*, to the Intendants of those Provinces; and in the Province of *Flanders*, to the Subdelegates of the *Châtellenies*; On the Forfeiture of 300 Florins, &c. Done at *Brussels*, Octob. 10. 1704, Signed, M. Emanuel, and underneath Count de Bergeyk.

Regulations about Horses in the Spanish Netherlands

October.

It's certain there was Need enough of such Regulations on both Sides; for the Mortality swept away now many of the Confederates Horses, as well as those of the Enemy, who still felt the dire Effects of the Battle of *Hochster*, and the *French* at last published a List of the Battalions that were taken Prisoners at *Bleinheim*, which they as much lessened as possible, and yet they owned 410 Officers or Sergeants, and 8550 common Soldiers taken Prisoners. This they industriously spread abroad, but what signified that, since it is very well known, that the Share of Prisoners to the Emperor, mentioned before, amounted to 738 Officers, and 4776 Common Soldiers, and that of *England* and *Holland* to 728 Officers, and 4950 Private Centinels, which is in all 1466 Officers, and 9726 Common Soldiers, besides above 3000, who lifted themselves in the Service of the Allies, and 35 Generals or Colonels.

The Loss sustained by the Allies appears to be as follows, according to a very exact List given in by the respective Colonels, whose Regiments engaged.

## Right WING.

|                              | Officers. |          | Soldiers. |          |
|------------------------------|-----------|----------|-----------|----------|
|                              | Kill'd.   | Wounded. | Kill'd.   | Wounded. |
| <i>Imperial Troops</i>       | 15        | 26       | 232       | 354      |
| <i>Danish Foot</i>           | 28        | 29       | 770       | 565      |
| <i>Prussian Troops</i>       | 43        | 54       | 587       | 1096     |
| <i>Troops of the Circles</i> | 25        | 39       | 291       | 363      |
|                              | <hr/>     | <hr/>    | <hr/>     | <hr/>    |
|                              | 111       | 168      | 1880      | 2378     |

## Left WING.

|                       |       |       |       |       |
|-----------------------|-------|-------|-------|-------|
| <i>English Troops</i> | 51    | 147   | 625   | 1381  |
| <i>Dutch Troops</i>   | 54    | 99    | 622   | 1371  |
| <i>Danish Troops</i>  | 20    | 40    | 495   | 393   |
| <i>Lunenburgers</i>   | 20    | 71    | 394   | 544   |
| <i>Hessians</i>       | 17    | 58    | 174   | 673   |
|                       | <hr/> | <hr/> | <hr/> | <hr/> |
|                       | 162   | 415   | 2310  | 4362  |

Total of both Wings.

Kill'd, 4463

Wounded, 7323

In All, 11786



I know not whether we may depend upon some Advices from *Strasburgh*, and other Frontiers of *France* which said that their Soldiers wounded in that fatal Battle died in great Numbers, and owned that their Loss, either kill'd, drowned, or taken Prisoners, exceeded 35220 Men, and that they lost, and the *Bavarians* together, 34 Coaches, 5300 Waggons, 330 Mules, 117 Pieces of Cannon, 24 Mortars, 129 Colours or Standards, 17 Pair of Kettle-Drums, 24 Tuns of Horse-Shoes, 3600 Tents, Boats for 2 Bridges, and 15 Pontons of Copper.

However these Things were in reality, the *French* Court was very busie in remounting their Cavalry, and recruiting their Troops; and the following Order was made upon it for the Armies in *Italy* and *Spain*.

**H**IS Majesty finding himself obliged this Year again to compleat the Regiments of his Armies in *Italy* and *Spain*, that they may be in a Condition to serve the next Campaign, cannot help ordering that they be furnished with Recruits by the Parishes and Commonalties of the Provinces and Generalities of his Kingdom, but in a less Number than were raised last Year: And his Majesty has caused to be drawn and subjoin'd to this present Ordonnance, a List of the Number of Men to be furnished by each Generality or Province, and the Names of the Towns whither they are to be conducted; his Intention being, that the Governours and Lieutenant-Governours of the said Provinces, and the Intendants of the Generalities and of the Frontier-Provinces, forthwith set about the proper Methods for putting the same into due Execution.

His Majesty has thought good, for facilitating the Levy of the said Recruits, to grant to the Men that shall be raised the same Advantages promised in his Ordonnance of the 2d of *November*, 1702, in favour of those who in the said Year were raised to recruit the Army in *Italy*, declaring to them, that they shall not be obliged to serve in the Regiments they shall be put into longer than Three Years, after which they shall be permitted. as his Majesty promises them by these Presents, to return Home; and that when they are return'd into their own Parishes, after they have serv'd the said Term of Three Years, or at what Time soever, if they desire to serve longer, they shall be exempted for Five Years from the Day of their Return Home, from all Taxes charged either on their Persons, or on their own or their Wives Estates, or Goods of Inheritance, (in case they are married) or on their own or their Wives acquired Estates or Goods: And as for those of them that are Batchellors, they shall not be chargeable with any Taxes on the Estates or Goods of the Wives they shall marry within the said

Fr. King's  
Order a-  
bout Re-  
cruits.  
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~ said Five Years ; on producing requisite Certificates of the Time they served, and in what Company.

It is his Majesty's Intention likewise, that the said Persons, whether married or unmarried, who are registred on the Taily or Tax-Rolls at the Time they shall be chosen for Recruits, shall have their Names razed out of the said Rolls, to the Intent both they and their Wives may be exempted from paying Tallies or Taxes during the Time they shall actually be in the Service, and Five Years after their Return Home, as is above said.

As soon as these Presents shall come to the Hands of the Intendants, they shall, in Proportion to the Number of Men demanded by his Majesty to be raised within their Jurisdiction, regulate the Number that every Parish within their Jurisdiction shall furnish, having fit Regard to the Ability of each Parish; and shall send Copies of this Ordonnance to the Mayors, Echevins, Consuls, Syndicks, or Church-Wardens of the said Parishes or Commonalties, and at the same time signifie to them the Number of Men they must furnish.

His Majesty's Will is, That within Fifteen Days after the Receipt of the said Ordonnance, the said Mayors, Echevins, Syndicks, or Church-Wardens of Parishes, shall send to the Intendants of the District they are in, a List of the Batchellors of their Parishes or Commonalties, from above Eighteen to under Forty Years old; and if there be not Batchellors enough to make up the Number the Parish is ordered to furnish, then they shall incert the Names of the married Men within 3 or 4 Years of the Age above-mention'd.

When the Intendants have received the said Lists, they shall appoint a Day for the said Mayors, Consuls, Syndicks, or Church-Wardens, to get together the said Batchellors, or married Men, if such are in the List, and shall signifie to them the Place and Hour where they will come to examine them; and the said Intendants having approv'd and set aside those they judge fittest for the Service, the Recruits shall be chosen by Lot in their Presence, all necessary Precautions being taken that this Election by Lot be made without Favour or Fraud.

In case any of the Batchellors, or married Men, whose Names shall be entred on the List, shall absent themselves from their Parishes after the said Ordonnance is published, his Majesty's Intention is, that they be reputed Deserters, and as such seized where-ever they are found, and put into the Chain to be sent to the Gallies, without any Form of Process. His Majesty enjoins all Provosts Martial and Magistrates, to make diligent Search after them, to apprehend them where-ever they are found, and carry them to the

next



next Prison, till they can be put into the Chain: And to encourage the said Provosts and Magistrates to make diligent Search after such Persons, his Majesty appoints the Intendants to give them an Order to receive Fifty Livres for every Man they shall apprehend.

His Majesty most expressly forbids the Mayors, Echevins, Consuls, Syndicks, or Church-Wardens, to hire Men to serve in the Room of those elected by Lot out of their Parishes, on any Pretence whatsoever; or to admit of others, though they should voluntarily offer themselves; nay, those offering themselves should be of the same Parish; as they will answer it at their Perils, and on the Penalty of a Fine of 300 Livres, to be levied on the said Mayors, Echevins, Consuls, Syndicks, or Church-Wardens, for every Soldier or Recruit, and paid to the Captain for whom they were designed.

The Soldiers whose Lot it shall be to go for Recruits, shall have Warning given them to be ready to march to the Town, where the Recruits shall be appointed to draw together; and shall be charged not to absent themselves, in the mean time, from the Parish above a Day or two, without Leave from the Mayors, Echevins, Consuls, Syndicks, or Church-Wardens.

Each Recruit or Soldier shall be paid Four Sols a Day, by Order of the Intendants, out of the Sums appropriated to defray the extraordinary Charges of the War; to be counted from the Day he is chosen a Recruit, to the Time of his Departure to the Town where the Recruits are to draw together.

His Majesty expects, that by the Diligence of the Intendants, all the said Soldiers shall rendezvous in the said Towns before the End of *December* at farthest, to be delivered to the Officers, who will repair thither to receive them, and the Parishes shall not be discharged of them but by the Certificates given them by the said Officers; it being his Majesty's Intention, that the said Officers shall keep a List of the Soldiers they receive, which they shall sign, and mention the Parishes that furnish them, and shall take the Hands to it of the Mayors, Echevins, or Consuls of the Town where they shall be delivered to them; and this List they shall give to the Commander of their Battalion, as soon as they get to it.

It is necessary that the Intendants transmit to the said Officers a List of the Soldiers that ought to be sent to the said Towns, and the Time when, to the End, that if any of them fail to come by that Time, the said Officers may write to the Mayors, Echevins, Consuls, or Church-Wardens of the Parishes that should have furnished them, to send them in without further Delay; and, in case they shall fail of so

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doing, then they are to give Notice thereof to the Intendant, or his Sub-delegate in his Absence.

The Intendants shall inform the Governours of the Provinces in which their Jurisdiction lies, and in his Absence his Majesty's Deputy-Governours of the said Provinces, of the Number of Men demanded of the Parishes, to the End they may take due Care that the said Soldiers be levied, that they may be received and lodged in the Towns nominated by his Majesty for their drawing together, and that they live there orderly.

His Majesty commands the Mayors, Echevins and Consuls of the said Towns, to receive and lodge them as they arrive, and during their Stay there to furnish them with necessary Provisions, they paying for it the Rates usually paid by Soldiers.

The Men thus levied for Recruits, who shall absent themselves without Permission of their Parish, and shall not repair to the Town where the Recruits are to rendezvous respectively upon that Day they ought, or who shall quit the rest of the Recruits afterwards, shall be treated as Deserters, and sent to the Gallies by Virtue of these Presents. And his Majesty's Will is, That the Mayors, Echevins, Consuls, Syndicks, or Church-Wardens of Parishes, shall be obliged, in case any of the said Recruits shall return to their Parishes before the Expiration of the Three Years they ought to serve in his Majesty's Troops, to give Notice of it immediately to the Magistrates of the said Parishes, that they may be apprehended, and put into the Hands of the Provosts Martial, within those Districts they shall be found; to be punished according to the Import of these Presents; and if the said Magistrates, Mayors, &c. shall not do their Duty herein, they shall be liable to the Penalty of being turn'd out of their Offices, and of being fined 300 Livres, which shall not be remitted or moderated on any Pretence whatsoever; and his Majesty enjoins all Provosts Martial, and other Officers of the Peace, to seize all the said Soldiers, who shall act contrary to these Presents, and put them into the Chain, that they may be conducted to the Gallies, on the Penalty of being turn'd out of their Offices, if they neglect their Duty.

As for Cloaths and Arms for the said Recruits, they shall be provided at his Majesty's Charge, and he has ordered the same shall be given to them either in the Town where they first draw together, or in one of the Towns through which they shall pass in their March to the Army, as shall be found most convenient.

*Done at Versailles, Octob. 30. 1704.*

The Number to be furnished by each Generality of Province, was as follows, the Generality of *Paris*, shall furnish 1400 Men, that of *Amiens* 800, the Province of *Artois* 400, the Generality of *Soissons* 700, that of *Châlons* 1700, that of *Dijon* 900, the Country of *Burgundy* 900, the Generality of *Moulins* 700, that of *Rion* 700, that of *Bourges* 400, that of *Orleans* 1000, that of *Caen* 400, that of *Alençon* 800, that of *Rouen* 800, that of *Lions* 400, the Province of *Dauphine* 500, Province 300, the Province of *Languedoc* 1600, the Province of *Bretagne* 1800, the Generality of *Tours* 1300, that of *Poitiers* 700, that of *Limoges* 600, that of *Bordeaux* 1600, that of *Montauban* 1600. In all 22000 Men.

In the mean time, the Defeat of the French Forces at *Blenheim*, was so very considerable, that it will be for a long Time the chief Subject of Discourse. The Generals, who were laid aside last Year, could not conceal that they were pleased with the Misfortunes of those that were employed, and as the Marshal of *Villars* was recalled from *Germany*, where he had so gloriously served, to make Room for the Marshals of *Tallard* and *Marfin*, he did not miss this Opportunity to give his Opinion on that extraordinary Event, in a Letter to the Abbot of *S. Pierre*, a Gentleman with whom he keeps Correspondence, to this Effect.

I Understood by your last Letter, that some People, out of compassion for unfortunate Men, excuse, that 27 Battalions and Four Regiments of Dragoons, should chuse to surrender Prisoners of War, while our Left Wing retired almost entire. These Sentiments are very little like those of the ancient *Romans*, who after the Battle of *Canna*, when *Hannibal* was at their Gates, were so far from excusing their Prisoners, that they would not suffer their Soldiers, who had made their escape out of that fight, to come into their City. *Curio*, *Cesar's* Lieutenant, thought very differently from these Gentlemen, He who would not retire with his Cavalry, *How could I appear, said he, before Cæsar, after having lost his Legions?* What could they do better, say some silly People, than to save to the King a great Number of Troops and Officers? 'Tis upon such Occasions as this, that one must answer with Old *Horatius*, Father to the Three Champions of the *Romans*, in our *Cornucille*, when he heard his Son was run away :

M. de Villars's Letter about the Battle of *Blenheim*.

Qu'il Mourut,  
Ou qu'un beau desespoir alors le Secourut.

Die on the Spot or be relieved by a noble Despair. Thus the *Spanish* Infantry at *Rocroy*, Commanded by the Old Count de *Fontaines*, chose rather to perish than beg

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Quarters. Ought not the Soldiers and Officers, seeking to Fight their Way with the Bayonet at the Muzzle in their Guns, to have prefer'd a glorious Death to the Ignominy of perishing with Hunger and Misery in their Prisons? I am ashamed for our Nation upon account of so base a Surrender, and I see with a Grief that I cannot express, how short we come of the Ancient Romans, and the French that have known.

Sign'd,

The Marshal of Villars.

Siege of  
Landau.

We can say little or nothing certain concerning the Campaigns, and therefore not to detain the Reader with amusing Stories of the Scarcity of Money in France, let us come to some Particulars of the Siege of Landau, of which the Besiegers gave us this Account: That on the 12th of September they invested it; that on the 13th at Night their Troops took post with 1000 Men at a Mill on that side next the Gate of France, and repaired a Redoubt that was made there Two Years past. The 14th at Night the Redoubt near the Gallows was finished, and another begun on the Rising Ground above Welmersheim; the 15 at Night they began to draw a Line of Communication between the Two Redoubts, the 17th they advanced from the Redoubt near the Gallows by a Traverse towards the Town, and began to work upon the Batteries: That Night a Patrouille of the Enemies fell in with some of the Detachment which were posted to cover the Workmen, but were repulsed and obliged to retire with Loss: Between the 15th and 20th their Works were carried on with good Success, those on the Right being advanced within 400 Paces, and those on the Left within 600 of the Counterscarp. The 20th they joined the Attacks of the Right and Left by a Parallell of 1400 Paces, and notwithstanding the great Fire the Enemy made, both of great and small-shot, they had only Two Men killed and 11 wounded. The 21st they advanced from the Parallell by Two Traverses on the Right and Left 200 Paces towards the Town, by which they came within Eighty Paces of a little Half Moon before the Gate of France, and within 200 Paces of the Glacis; the Fire from the Town killed them Five Men and wounded 34. In the Afternoon, the Enemy made a great Sally with some Hundreds of Horse and Foot, sustained by a great Fire of their Cannon and Bombs; they advanced to the besiegers Works, were Vigorously repulsed, and tho' the Fire from the Covert-way and Enemies Works held near Two Hours, they had only Two Men killed and Ten wounded; but the Enemies loss in their Sally was very considerable. The 21st in the Night they began a Battery of Thirty Pieces of Cannon, on the Right of our Traverses before



fore the Parallel. The 27th the Besieged made a Sally, in which the Besiegers had 26 Men killed and wounded; they did no Damage to the Works, being soon repulsed with a much greater Loss on their Side, the Horse pursuing them to the Counterscarp. The 29th in the Night the Enemy made a great Fire from the Town upon the Relief of the Trenches; but with very little Effect, for they lost but Two Men. From the 22d to the 31st inclusive, the Works were advanced but little, by Reason of Wet Weather. The 1st of October an Imperial Battery of Thirty Pieces of Cannon began to play. The 2d a *Prussian* Battery was begun to be raised; a 2d Parallel on the Right of the Works was begun also; and a New Traverse was advanced, from the Middle of the 1st Parallel, within 45 Paces of the Counterscarp. The 3d in the Afternoon 700 Men of the Besieged made a Sally; and Prince *Lewis* of *Baden* being at the same Time in the Trenches, gave such Orders for their Reception, that they were immediately beaten back, with the loss of above Twenty Men, without doing the Besiegers the least Damage. The 4th the *Prussians* began a Redoubt for the Security of their Attack on the Left; and part of the 2d Parallell from the Right was finished: The King of the *Romans* being in the Trenches, gave Orders for the Battery of Mortars to Fire about Eleven at Night. The same Day a Lieutenant and Eighteen Men came over from the Town, the 5th at Night the Redoubt on the Right and Left, and the Parallell between them were finished; and the Men begun the Sap in search of the Enemy's Mines, in order to make a Lodgment on the Counterscarp. The 10th at one in the Morning, a Serjeant with Twenty Men was commanded to view the Ditch before a small Redoubt on the Right of our Attack, and finding he had a good Advantage, he encouraged his Men to enter the Redoubt, which they did with great Bravery, killing 10 or 12 of the Enemy's Men with their Bayonets, and obliging as many more to retire; after which he began to make a Lodgment, being reinforced by a small Party commanded by Count *Eck* a Captain in General *Tbungen's* Regiment, but for want of being duly sustained, they were about an Hour after environed, and either killed or made Prisoners. The same Day in the Afternoon the Dispositions being made for a Second Attack of the Redoubt, which the Enemy retook in the Morning, the same was put in Execution with good Success about Nine at Night; the Dispute was very hot for above an Hour, during which time the Enemy endeavoured Three several times to re-possess themselves of it, but were at last obliged to give it over with very considerable Loss, and the Besiegers kept Possession of the Post, and compleated a Lodgment on the Foot of the *Classe*. They had 60 Men killed, and 120 wounded. The

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Enemy upon their Retreat set Fire to great Quantities of Powder, with Intent to spring their Mines, which being perceived by the Beliegers, was prevented from taking Effect, by their cutting the Fuses. The 10th in the Morning, the *Prussian* Battery of Thirty Pieces began to play. The 11th, their Two Approaches on the Left were advanced, one within Sixty, and the other within Forty Paces of the *Glacis*. The 12th, the Men in the Redoubt cut into one of the Enemy's Mines, out of which they took 800 Weights of Powder. The 14th, they began a Battery of Eight Mortars in the second Parallel, had 5 Men kill'd, and 52 wounded. The 15th, they made a Redoubt within Thirty Paces of the Counterscarp, and began to throw Hand-Granadoes out of Fifty small Mortars, having had that Day 20 Men kill'd, and 97 wounded. The 16th, they carry'd on their Works, discovered one of the Enemies Mines, and had 29 kill'd, and 67 wounded. The 17th, they finish'd the Battery of Eight Mortars, and made a Redoubt on the Left Point of the Counterscarp. A *Prussian* Captain, and 31 Men were killed and Seventy wounded. The Parallel between the Two Attacks being finished, and the Disposition made for a Lodgement close to the Pallisadoes, the Attack was accordingly begun about one a Clock the 18th in the Morning; which being begun Two Hours before the Time concerted, and the Enemies Defences not sufficiently destroyed, the Men could not compass their Design, but however lodged themselves on the Salient Angle, within Eight Paces of the *Glacis*. We had Sixty Men killed and 200 wounded, among them a Lieutenant and Three Ingenieurs. The 19th the Besieged made a Sally with 200 Men, but were repulsed with Loss. The Besiegers had Eighteen Men killed, among them Two Captains; and 97 wounded, among them an Ingenieur. The Night between the 21st and 22d they made a Redoubt on the Left of the *Glacis*, and Three Parapets at the first Parallel, and had 7 Men kill'd, and 49 wounded. The 22d the Men took Post so near the Pallisadoes on the Right, that their Fire commanded the greatest part of the Place of Arms, so that very few of the Enemy kept in the Covert-Way: That Day they discovered a Mine in the *Glacis* of the Counterscarp, in which were 18 Barrels of Powder, and many Bombs and Granadoes, all which they took out. They had Six killed and 58 wounded. The 23d a new Line of 150 Paces in Length was made in the Right of the Attack, and at the End of it a Battery of Eight Cannon and some Mortars was raised, to fire upon the Curtain and other Works: This Work did not cost them one Man, for the Enemy did not mind what they were doing, till it was finished. The same Day, in carrying on one of their Saps, a Mine was discovered,

out of which 1400 Weight of Powder was taken: They had 15 Men kill'd, and 32 wounded. The 24th they join'd the Lodgments on the Right of the Counterguard, within Twelve Foot of the Pallisadoes, and at Day-break threw a great Number of Granadoes. The Enemy attempted with some Plattons of Granadiers to lodge themselves in the Place of Arms, but were repulsed by the Besiegers Granadiers. The Night between the 24th and 25th they began to make Lodgments to the Right and Left of the Counterguard, along the Pallisadoes of the Covert-Way, and all their Saps were carried on. Their Mines before the Point of the Half-Moon being advanced so far, that the Enemies Countermines were very near them, they were obliged to spring a Mine, which ruined those Countermines, and facilitated their making Lodgments close to the Pallisadoes. The 25th they began to batter the Curtain and the Out- (or Detach'd-) Works from their new Battery of Eight heavy Cannon, which they had raised at the End of the Line, made on the Right of the Attack; also Two Lines were run out on the Left of the Attack near the Gardens of *Melas*, in order to the raising of another Battery of the like Number of Cannon on that side. They had 16 Men killed, and 60 wounded, among them a Lieutenant and an Ensign. The Night between the 25th and 26th their Lodgment close to the Pallisadoes on the Right of the Counterguard being perfected, the Enemies at Day-break sprung Two Mines, and after a great Fire from their Cannon, which was seconded by the Small-Shot, found themselves obliged to abandon the Covert-Way between their Two Places of Arms, and to let the Besiegers take Possession of the same. They had 21 Men kill'd, and 97 wounded, with a Captain and a Lieutenant, both Engineers. The 36th they discover'd one of the Enemies Mines, and took 300 Weight of Powder out of it. The following Night they enlarged all their Lodgments; and because all the Covert-Way was undermined, their foremost Works were made Nine Foot deep; they likewise begun a Battery on the Right to make a Breach, and their Saps in the Middle and on the Right and Left of their Attacks were continued. They had 13 Men killed, and 97 hurt, among them Four Captains and One Lieutenant. The Service growing the more dangerous the nearer they approached to the Place, the King of the *Romans* doubled the Workmens Rewards. The 28th they perfected the Battery upon the Left of the Attack towards the Canal, Six Guns were planted on it, which the same Day fired upon the Works on that Side. The Lodgments along the Pallisadoes were continued, and their Miners work'd hard to discover the Enemies Mines. They had 18 Men kill'd, and 43 wounded,

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among the latter a Captain and a Lieutenant. The 29th the Works both on the Right and Left were carried on with good Success. Prince Lewis of Baden, who went to take a View of the Works, narrowly mis'd being kill'd: His Horse being wounded with a Cannon-Bullet, fell down under him, whereby his Highness received some Hurt in his Left Foot. They had 4 killed, and 35 wounded. The 30th the Lodgments were extended farther along the Palisadoes, and Mines were begun on the Right of the Counterguard and before the Half-Moon, to blow up the Intrenchment [*Retirade*] which the Enemy had made in the Covert-Way. They likewise continued to work on the Battery designed for making a Breach. They had 10 Men killed, among them a Captain of the Artillery, and 8 wounded. The 30th one of their Mines on the Right of the Attack being perfected, and the Signals given by One Cannon-Shot and Three Bombs, by Order of the King of the Romans, who was in the Trenches, it was sprung between 10 and 11 a Clock at Night so successfully, that the Enemy's *Retirade*, the Place of Arms, and all the Men they had in them, were blown up into the Air: Immediately some Platons of Granadiers took Post in the Covert-Way, and being follow'd by the Engineers and Workmen, compleated a Lodgment by Day-break. To favour this Enterprize, a great Fire was made all Night from their Cannon and Mortars. They had 32 Men killed, and 143 wounded; among the latter a Major of the Engineers, and 2 Lieutenants. This is desperate Work, but having brought the Siege to the End of the Month, and the same lasting most of the following one, we are to observe now, that the Length of this Siege made the D. of Marlborough very uneasy at *Croon-Weyssenburgh*, and the more upon Advice, that the Enemy intended to send a Reinforcement towards *Triers* from the *Netherlands* and *Haguenau*. This made him resolve to prevent the Enemy, and to march thither in Person with part of his Forces, and to leave the rest under the Command of Prince Eugene of Savoy, at *Croon-Weyssenburgh*. This Resolution being taken, his Grace sent some Battalions and a Detachment of Horse to possess *Homburg*, with Orders to fortifie that Post; that Detachment was follow'd by another with the Artillery, commanded by Colonel Blood, and on the 22d the rest of the Forces designed for that Expedition marched to *Homburg*, where the Duke join'd them the 24th; but for a farther Account of that March, we refer you to a Letter from General *Hompesch* to the States, and to another from the Duke himself, which are so particular, that we have nothing to add to it.



*High and Mighty Lords,*

**W**E march'd this Day from *Homburg* to this Place with the Cavalry, Four Battalions, and the Artillery, but the rest of the Infantry from *Homburg* will join us to Morrow. The Artillery, with Four Battalions and Five Squadrons, is ordered to march early to Morrow to *Bausse*, the direct Way to *Triers*, and the next Day to *Rensfelt*, within Seven Leagues of this Place, where the Cavalry will join them. The Infantry will march Two Hours after to join us with all possible Speed. The Duke of *Mariborough* intends to be the 29th at *Triers*, which is Six Leagues from *Rensfelt*; but in case the Enemy is there before him with a superior Force, his Grace will post himself between *Triers* and *Traerbach*, to cover the Ten Battalions, and Six Squadrons, which are to be by that Time before *Traerbach*, or else will order these Forces to join him, as he shall see Occasion, according to the Intelligence he shall receive of the Motions of the Enemy. I remain, &c.

From the Camp at *St. Wendel*, Octob. 26. 1704.

*Hompesch.*

*Octob.*  
Gen. *Hompesch's* Letter to the States.  
26.

*High and Mighty Lords,*

**B**Efore I set out from *Croon-Weyssenburg*, I had the Honour to acquaint your High Mightinesses with my Design of marching with a Body of Troops towards *Triers*, in order to secure that City, the better to settle our Winter-Quarters on the *Moselle*. Having in the March receiv'd Advice, That the *French* had order'd some Troops from their Camp at *Haguenau*, and from the *Netherlands*, to advance towards the same Place. I hasten'd my March as much as was possible through a mountainous Country, which is in a manner desert, in order to prevent them. I arrived last Night at *Harmerskel*, within Six Leagues of *Triers*, where Three Deputies of that City came to me, and acquainted me, that the *French* having still 300 Men in the Fort, they were apprehensive of some ill Usage, if we did not prevent it. This Advice obliged me to march this Morning, before Break of Day, with all the Cavalry, and Four Battalions, and about Eleven of the Clock, our Vanguard appearing in the Sight of *Triers*, the *French* quitted the Fort, having thrown their Ammunition, and some Corn, into the *Moselle*. Our Dragoons pursued them to the Banks of the River, and took part of their Baggage, and 10 or 12 Prisoners. They had no sooner pass'd the River than they burnt the Flying-Bridge, and in all Likelihood would have done more Damage, had they had Time to do it. The rest of our Foot, with the Artillery,

*D. of Marlborough's* Letter to the States about the Taking of *Triers*.  
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encamp'd last Night at *Nonweyler*, and this Day at *Rensfelt*, in order to join us to Morrow in the Afternoon. I intend to continue here 4 or 5 Days to give the necessary Orders, and from hence I shall proceed towards *Traerbach* to do the like, and then I shall return to the Camp near *Landau*, where I hope to find all Things in a great Forwardness, and the Place in a Readiness to surrender. I am, &c.

*From the Camp of Triers, Octob. 29. 1704.*

*The Duke of Marlborough.*

This successfully done, we'll leave the Duke of *Marlborough* to give the necessary Orders for the Siege of *Traerbach*, and afterwards to return to his Camp at *Croon-Weyssenburgh*, and proceed now towards the *Danube*. We should have taken Notice before, that the *Bavarian* Forces having obliged the *Imperialists* to abandon the Blockade of *Ingolstadt*, and put the Country about *Eichstadt* under Military Execution, part of the Troops which served under General *Thungen* at the Siege of *Ulm*, and which were, after the Taking of that City, marching towards the *Rhine*, were countermanded by the Way, and ordered to return to the *Danube*, to reinforce General *Herberville*, to enable him to repress the Insolence of the *Bavarians*; and that General being join'd on the 12th by Four Regiments of *Imperial* Horse, and Two of Foot, he sent Three Trumpeters to *Munich*, *Straubingen* and *Landshut*, with a Declaration in the Emperor's Name, enjoining the Officers and Soldiers in *Bavaria* to lay down their Arms, on Pain of Death, and of being declared infamous; offering his *Imperial* Majesty's Protection to the Estates and People of the Country that should obey; but threatening, if they continued refractory, to lay waste the Country with Fire and Sword. General *Weikel*, finding the *Imperialists* grown an Over-match for the *Bavarian* Regular Troops by this last Reinforcement, thought best to obey this Declaration, or *Avocatoria*, and laid down his Commission, and the Electors appointed General *Lutzelburg* to command in his Room. The 15th, General *Herberville* march'd from *Ratisbon* with all his Troops (except a Garrison left in that Place) and a Train of light Artillery, to lay Siege to *Straubingen*, whither he order'd some heavy Pieces of Cannon and Ammunition to be sent to him from *Ratisbon* down the *Danube*.

They told us then, that the Electors of *Bavaria* finding the Forces she had on Foot were too few to defend her Country against the *Imperialists*, propos'd to the Assembly of the Estates of *Bavaria* the Raising of 10000 Men more, which they refused, foreseeing it would occasion the Ruin of their

their Country, and make themselves still more miserable. Whereupon the Electoreſs ſent a Gentleman to the King of the *Romans* to make ſome new Offers of Accommodation on her Part.

Mean time, Batteries of heavy Cannon were got ready by the *Imperialiſts* before *Straubingen*, and began to play upon the Town the 20th. The Beſieged made a ſtout Defence, notwithstanding which, the *Imperialiſts* puſh'd on ſo vigorously, that by the 26th they had carried on their Approaches to the Ditch, and ſet to Work to raiſe Batteries for making a Breach ſufficient for a Storm. While the Siege went on thus, the *Bavarian* Army, under General *Lutzelburg*, on the 28th came in Sight of the *Imperial* Camp before *Straubingen*, a Brook only parting them: Parties were ſent out on both Sides, and an *Imperial* Colonel, with 30 or 40 Soldiers, were taken by the *Bavarians*, but in a little time were ſet at Liberty again. The ſame Night *Lutzelburg* ſent a Drummer to General *Herberville*, to acquaint him, that *Monſieur Neuſonner*, Privy-Counſellor and Secretary of State to her Eleſt. Highneſs of *Bavaria*, was come with a Letter from the Pr. of *Salms*, Grandmaitre to the King of the *Romans*, for him the ſaid General *Herberville*, and another from the Electoreſs of *Bavaria* for the Governour of *Straubingen*, by which both of them were ordered to ſuſpend Hoſtilities, and that he had likewise a full Power from the Electoreſs to treat with him; whereupon General *Herberville* ſent a Trumpeter to conſult the ſaid *Monſieur Neuſonner* to his Quarters, where the following Articles were agreed to between them.

## I.

That immediately upon the Concluſion of this preſent Treaty, the Troops and Generals of his *Imperial* Maſteſty ſhall take Poſſeſſion of the Town of *Straubingen*; which with all its Dependencies ſhall be yielded to them; and that all Contributions, other than for the Subſiſtance of the *Imperialiſts*, ſhall ceaſe, till the Emperor has given new Orders on that Subject.

Articles of  
Surrendry  
of the Town  
of *Strau-  
bingen*, &c.  
28.

## II.

That within 24 Hours after the ſaid Town of *Straubingen* is evacuated by the *Bavarians*, the Town of *Paſſau*, with the Caſtle and all its Dependencies, ſhall be ſurrendred; ſo that all the *Danube* up to *Ratisbon* ſhall be abſolutely at the Diſpoſal of his *Imperial* Maſteſty; in order whereunto, all the Garrifons that are upon it as far as *Paſſau* ſhall be withdrawn.

## III.

All the Arms, Artillery Ammunition and Proviſions, that ſhall be found, as well in the Town of *Straubingen*, as in that

*October.* of *Passau* and its Castle, shall be delivered up to the Use of his *Imperial Majesty*.

## IV.

That the *Bavarian Troops* shall retire over the *Rhe* towards *Munich*, and shall commit no Hostilities against the Emperor and his Allies.

## V.

That after the Evacuation of the aforesaid Places, the Troops commanded by General *Herberville* shall commit no Hostilities against the *Bavarian Troops*, nor in the Country of *Bavaria*, till the Emperor and the King of the *Romans* order otherwise.

## VI.

That the *Bavarian Garrisons* of the aforesaid Towns shall march out with their Arms, Colours flying, Baggage, and other Effects; and that the Officers and other Persons subject to the Emperor's *Avocatoria* shall be comprized in these Articles provisionally, till his *Imperial Majesty's* Pleasure be known.

## VII.

That the Prisoners and Deserters on both Sides shall be exchanged.

Agreed and sign'd in the *Imperial Quarters* before *Strasbourg*, *October*. 28. 1704.

King of the  
Romans  
Letter to  
the Dyet.  
14.

The entire Submission of *Bavaria* to the Emperor, by Virtue of a Treaty set on Foot between him and the Electors soon succeeded, but being not accomplished and sign'd till next Month, we'll pass to *Regisbon*, where on the 23d a Letter was read in the Dyet, written by the King of the *Romans*, and dated from the Camp before *Landau*, the 14th, which contain'd in Substance: ' That the Resolution pass'd by the Dyet the 11th of *March*, 1703 (*viz* That every Member of the Empire should furnish their Contingent of 120000 Men (agreed to by the Number of the Army of the Empire during the present War) as also their Proportion of Artillery, Ammunition, and other Necessaries, and of Money for the Pay of the said Army, &c.) could not be put in Execution by reason of the Defection of the Elector of *Bavaria*. But that the Obstacle which had prevented the Effects of that good Resolution being removed by the glorious Successes the Allies had already, and still expected to gain this Campaign, there was Ground to hope, that the Tranquility of the holy *Roman Empire* might be restored, the *German Liberty* secured, *Europe* redeem'd from the Slavery that had threaten'd it, and a firm Peace obtain'd, to the Glory of the *German Name*; provided the Dyet would do all that lay in their Power to oblige the respective Mem-



'bers of the Empire to furnish their Contingents, as afore-  
 'said, and, in the First place, to send Eighty Demi-Culve-  
 'rines to *Frankfort*, *Philipsburg* and *Coblentz*; and remit  
 'the Sums of Money necessary for buying Ammunition and  
 'Provisions for storing sufficient Magazines in those Towns.  
 'That in the mean time, his Majesty would take Care on  
 'his Part to dispose all Things, without Loss of Time, for  
 'the next Campaign; and that during the Winter the Dyet  
 'might confer with Prince *Lewis* of *Baden* on the Measures  
 'proper to be taken for hastening the Execution of their Re-  
 'solves.

Copies of this Letter were sent by the Deputies that were  
 at the Dyet to their Principals, the Effects of which we shall  
 best know by the next Campaign.

As for the Affairs of *Poland*, Things are there in as bad  
 a State as ever; the *Swede*, after he had taken and ransack'd  
*Lemberg* in a miserable Manner, march'd down the Right  
 side of the *Vistula* towards *Warsaw*; while King *Augustus* ha-  
 ving by a Detachment of his Army failed to take *Posnania*;  
 yet pretended to dispute the Passage of the River with his  
 Adversary: But before the End of this Month, having better  
 considered the Posture of his Affairs, he march'd off the  
 28th with his Army for *Kalisz*, and left *Warsaw* once  
 more to fall into the Hands of the *Swede*; But let us leave  
 this Place as soon as we can, since the Plague began to reign  
 in *Lemberg*, and to spread it self into several other Parts,  
 and withdraw into *Hungary*, where, before the Cessation of  
 Arms (before-mention'd) was published, at least before the  
 Malecontents agreed to the like Cessation, *Cassovia* and  
*Esperies*, garrisoned by the *Imperialists*, were forced to sur-  
 render to them for want of Provisions; in which Places they  
 found a great Number of large Brass Cannon, whereby they  
 were furnished with a Train of Artillery which before they  
 wanted. After *Esperies* was taken, Prince *Ragotzi* advan-  
 ced with a Body of Troops to the Castle of *Szendre*; and  
 the Count *de Melvezzi* who commanded in it was forced to  
 yield up that important Post, because the Garrison mutinied  
 and threatned to kill him if he did not capitulate. The  
 said Count, a Lieutenant, and Ensign, and Four Soldiers,  
 that remained faithful to him, artickled to be permitted to  
 retire into *Poland*; but the rest of the Garrison took Service  
 under Prince *Ragotzi*.

*Cassovia*. &c.  
 surrender'd  
 to the  
 Malecon-  
 tents.

In the mean time, the Baron *de Seilern* and Count *Cobari*,  
 Two of the Imperial Plenipotentiaries, and Monsieur *Hamel*  
*Bruyninx* the Dutch Envoy, on the 5th went from *Vienna* to  
*Presburg*, whither Passes were brought to them by the Sieur  
*Occoluciani* one of the Deputies of the Malecontents, for their  
 repairing safe to *Schemnitz* the appointed Place of Treaty.  
 But Prince *Ragotzi* taking upon himself some Titles in those

*October.* Passes, (as particularly that of Pr. of *Transylvania*,) which the Imperial Plenipotentiaries thought they ought not to allow, they refused to accept them at first; alledging, they could not take them without derogating from the Right of their Master: But the *Dutch* Envoy represented, that this ought not to retard the Negotiations; that the Titles assumed by Prince *Ragotzi* in his Passes should not be drawn into consequence; that it was not likely he would depart from the same, unless by a Treaty; that there were several Precedents in the like Case; and in short, that the Pacification of the Troubles in *Hungary* was of that Importance to the House of *Austria*, that they ought to pass over such Formalities, in order to bring the Treaty to a happy Conclusion. These Arguments appeared so strong, that the Imperial Ministers agreed to the same. And accordingly the 13th of *October*, the Imperial Plenipotentiaries and Monsieur *Hamel Bruyninx* set out from *Presburg* for *Schemnitz*; of which Journey and of their Reception there, an Account is contained in the following Letter, written by a Gentleman of the said *Dutch* Envoy's Retinue.

A Letter  
about the  
Treaty with  
the Hunga-  
rian Male-  
contents,  
&c.

22.

THE Difficulties about the Passes granted by P. *Ragotzi*, being removed by the great care of Monsieur *Hamel Bruyninx*, Envoy Extraordinary of the States-General, that Minister set out with the Baron *de Seilern* and Count *Cobari*, the 15th of *October*, from *Presburg* for this Place, taking their way through *Scenez*, *Wartbergh*, *Schinsa* and *Levents*, and arriv'd here the 17th, without any ill accident. I must tell you, that in all my Travels I never saw such Roads, especially within 3 or 4 Leagues of this Place, the same being full of Rocks, and sometimes so narrow, that we look upon our safe arrival as a very great Blessing. Their Excellencies were conducted from within a Quarter of a League of *Presburg* by a Lieutenant and Fifty Soldiers, and from thence by 200 *Hungarian* Horse, making Three Troops, commanded by a Colonel and several other Officers, who took great care of the *Dutch* Mediator and the Imperial Plenipotentiaries, as likewise of their Retinue. Count *Berezeni* sent his Coach and Six Horses to meet the Envoy of the States, with Six *Hei-dukes* to walk on both sides of the Coach, and support it in these difficult Ways. This Town of *Schemnitz* is very oddly situated: It lies on the sides of a Mountain, almost in a direct Line from the Top to the Bottom, but the Mountain is so uneven and craggy, that in the upper part of the Town the Streets are unpassable for Coaches, because of the Rocks that are in the Streets, and the Bottom is so very dirty when it Rains, that one can scarce go abroad. The next Day after our Arrival, the Archbishop of *Colocz*, Count *Sigismund* of *Lemberg*, Count *Berezeni* and the Baron *Szirmay*, made the

the first visit to the Envoy of the States, who returned the same, and then made their first visit to the Baron de Seilern and Count Cobari, who came along with him. Count Berezeni immediately upon our Arrival, set a Guard before the Houses of the Mediator and the Plenipotentiaries, and used them with all imaginable Civilities. Prince Ragotzi being arrived at *Eysenbach* within Two Leagues of this Town, under pretence of using the Warm Baths of that place, Monsieur Bruyninx went thither Yesterday, and I had the Honour to accompany him, with several others. Prince Ragotzi sent several Noblemen with Two Coaches and Six Horses, and Six led Horses to meet his Excellency, and received him with all imaginable honour and all the respects due to his Character, only he did not think fit to give him the Hand. His Excellency made him a short, but lively Speech, suitable to the Occasion, wherein he represented the Motives which had induced Her Majesty the Queen of *Great Britain*, and their High Mightinesses the States-General, to interpose their good Offices for composing the fatal Troubles which have lately disturbed *Hungary*, concluding with an exhortation to his Highness, to do on his part what was in his Power to forward the Negotiations. The Prince answered in most civil Terms, that the *Hungarians* could never sufficiently acknowledge or praise the Generosity of Her Majesty and their High Mightinesses, in vouchsafing to concern themselves in their behalf. That he was sincerely disposed to Second their good Intentions; but that he could only provisionally accept their Mediation, towards regulating a formal suspension of Arms, adding that it was not in his power alone to accept it in general for Peace. Monsieur Bruyninx having received that answer, took his leave and returned to *Schemnitz* this Day, being conducted back in the same Manner as he was received. This is all the Account I can give you as yet of the proceedings of the Mediator, but we hope this Negotiation will go on a greater Pace as soon as Mr. Stepney is arrived here, and we daily expected him with the further Intentions of the Emperor and the King of the *Romans*. I have seen here and at *Eysenbach* several *French* Officers and Soldiers, who, to distinguish themselves, wear a Rose of White Paper in their Hats. The Mediator and Plenipotentiaries have forbidden their Retinue to have any conversation with them. The Envoy of *France* to Prince Ragotzi, is called Monsieur de *Verville*, and not *des Alleurs*, as we were told at *Presburgh*. I could not learn the Name of the *Bavarian* Minister, but while Monsieur Bruyninx was at *Eysenbach*, neither of them thought fit to appear publicly. We saw there Count *Veterani*, Lieutenant Colonel of the Regiment of *Montecuculi*, who was come thither to regulate some Matters relating to the surrender of *Cossovia*. The Garrison was to march out the 15th.

This

October.

This Day Prince *Ragotzi* received an Express from *Constantinople*, which Advice, that *Hassan Pascia*, Great Vizier of the Port, and the *Caymacan* of *Constantinople*, are disposed. The former is succeeded by one *Achmet Pascia*; and *Cupergli*, Son of the Grand Vizier of that Name, who was killed at *Salankemen*, is likely to succeed the former. I am, &c.

On the 22d Mr. *Stepney*, Envoy of *England*, returned to *Vienna* from the Army of the Allies in *Alsace*; and the next Day went to *Presburg*, while he continued his Journey to *Schemnitz*, in the mean where the Cessation of Arms between the Malecontents and the *Imperialists*, expiring the 15th of *October*, the Emperor prolonged it to the End of that Month. As for the Steps taken by the Plenipotentiaries of the Emperor and of the Malecontents, towards the Accommodation they were met to treat of, we shall meet with the ill Success of them hereafter, and from hence travel as well as we can into *Italy*, and there leaving the *French*, under the Grand Prior, and the *Imperialists*, under Count *Leiningen*, to watch one another's Motions and waste the *Bressian* at their Pleasure, let us come to the Duke of *Savoy's* Quarters, who on the 3d detached General *Thaun* from his Camp at *Crescentino*, with Orders to join the Baron de *Martini*, who lay encamped with Three Battalions and 700 Horse on the Borders of the *Astesan*; being joined, they marched with great Diligence to *Asti*, in order to have surprized that Place, where the Enemy had left only Two Battalions; and accordingly possessed themselves of the Town, where they remained about Three Hours, and took 7 or 8 Officers, and Seventy Soldiers Prisoners; but the rest of the Garrison retiring into the Castle, and the Assailants having no Cannon to Batter it, were obliged to march away. And his Royal Highness, who had passed the *Po* to favour this Design, returned to his Camp at *Crescentino*.

D. of Savoy  
attempts to  
surprize  
*Asti*.

3.

On the other Hand, the Duke of *Vendosme* after he had taken *Ivrea*, sent a Re-inforcement to Count *Albergoni*, who thereupon Advanced near to *Veruc*, and after some Resistance possessed himself of some Hills about it. The 11th the Duke of *Vendosme* arriv'd at *Trino*, with the rest of his Army, and made the Dispositions necessary for attacking *Veruc*. And passing the *Po* he arriv'd the 14th before that Place; and the same Day, after he had taken a View of the Intrenchments of the Fort of *Guerbignan*, caused Three Eminences standing within Pistol-shot of them to be attack'd all at once. The Duke of *Savoy* moved out of his Intrenchments with his principal Officers, to animate his Troops by his Presence; but the *French* Grenadiers charged those, who defended the said Eminences, with so much Vigour, that they beat them from them, and made so great a Fire upon those



commanded by the Duke of Savoy, that they returned into their Intrenchments with Precipitation. The Duke of Vendosme caused the Eminences he had taken to be secured by Intrenchments, and waited the arrival of his Artillery, in order to attack the Fort of *Guerbignan*. The Artillery being arrived, the Trenches were opened against the said Fort the 22d by a Parallel of about 300 Foot, the Right of which Parallel was secured from the Besiegeds Sallies by a Rising Ground on which were Intrenchments defended by 300 Men; and the Left by a fortified Cassine defended by a Battalion. The Duke of Savoy put 3500 Men, into this Fort, and lay with his Army in his old Camp of *Crescentino*; having a Bridge of Communication (over the Po,) with *Verue*; so that he could supply that Place with fresh Men as often as he pleased: However the French by the 24th having Fifty Pieces of Cannon, planted on Four Batteries, began to Fire against the Fort, and the Works were advanced with great Success, and little Loss. On the 27th the Marq. of *Wartigny*, Marshal-General, mounted the Trenches, and was soon after killed by a Musket-Shot. The Night following the last Parallel, which was but Ten Paces from the Fort, was brought to perfection. The same Evening the Duke of *Manua* arrived in the Camp, where he was received with great Honour, and set out again the following Morning for *Casal*. On the 29th the Duke of *Vendosme* went to view the Works, and resolved to attack the Covered way of *Guerbignan*. Accordingly the 30th, in the Afternoon, the Marquels of *Bouligneux*, Lieutenant-General, attacked the Angle of the Center of the Parallel; the Sieur *Charrognie*, Major-General, that on the Right, which joined Fort *Guerbignan*; and the Marquels of *Grancey*, Brigadier, that on the Left, defended by a Work in the Nature of a Hornwork, detached from the Fort, with which it had Communication, by a sort of Covered Way, Fortified with a double Row of Pallisadoes. The Marquels of *Grancey* meeting with little Resistance at the Angle of the Right, made a Serjeant with Ten Men to enter the Horn-work, who being supported by a Company of Grenadiers, drove out the besieged, after they had killed great part of them, but a Moment after they sprung Two small Mines, which blew up only one Soldier, and afterwards one more considerable, which did not wound any. The Besieged nevertheless believing it would have put the Troops into Disorder, advanced, in order to retake the Work, with Sword in Hand, but the Marquels of *Grancey* coming up with other Troops, repulsed them, and remaining Master of the Post, made a Lodgment on the Neck of it.

The Action was hotter on the Left, where the Besieged marched Three Battalions, with their Colours supported by all their Infantry, and encamped in a Valley between the Fort and

*October.* and *Verue*, so that the Besiegers were repulled twice; but the Duke of *Vendosme* having doubled the Fire of the small Arms and Artillery, they renew'd the Attack, and lodged themselves on the Angle. That of the Center being farther distant from the Trenches, they could not lodge themselves there, but the Night following they made a Lodgment by Sapping, and the Two others were brought to Perfection. These Attacks lasted Three Hours, and being very vigorous, the *French* say they had 80 Men killed and wounded. And that according to the Report of Deserters, the Besieged had above 400 Men killed and wounded, among the rest Count *Guido* of *Staremburg*, and the *Sieur du Rigal*, a *German* Colonel, were slightly wounded. But the *Savoyards* do not agree with the *French* in their Account; for Deserters and Spies told them, the latter had 2000 Men killed and wounded in the Attack; and that their own Slain and Wounded did not exceed 100; and that the Duke of *Savoy* and General *Staremburg* were in the hottest of the Action: But, be it as it will, we shall not yet hear of the Surrendry of the Fort.

*French take  
Bard, &c.*

We shall but just mention, that the Duke of *la Feuilade* having about this time possess'd himself of the Fort of *la Tuille* and the Town of *Aoste*, *Vendosme* on his part sent a Detachment from his Army, which surprized the Town of *Bard*, whereby the *French* became Masters of the whole Valley of *Aoste*, and open'd a Communication between that Valley and *Ivrea*. The *Swiss* in Garrison at *la Tuille* behaved themselves very ill, and were suspected guilty of some Treachery. Whatever the Matter was, it was a great Point gain'd; for the *French* could now send their Forces into *Italy* with all the Conveniency imaginable, without running the Risque of the Sea.

*Second Por-  
tuguese  
Campaign.*

The Janglings between the Protestant and Popish Cantons of *Switzerland* we shall but just mention *en passant*, and therefore adventuring to pass thro' *France* and *Spain* into *Portugal*, here the second Campaign of this Summer was open'd this Month, with a Design to attack *Cuidad Rodrigo*, in order to which the *Portuguese* Army advanced the 4th to *Caridad*, near *Cuidad Rodrigo*, with a Design to pass the River *Agueda*; but the Duke of *Berwick* had caused all the Fords to be fortified, and well defended. The 5th they continued in the same Post, and the 6th they extended further their Right Wing. The 7th they possess'd some Hills near the Fords, but the *Spaniards* having fired upon them from a Battery of Four Pieces of Cannon, obliged the *Portuguese* to remove at a farther Distance. The 8th they advanced again in Order of Battle, as the Day before, and took a narrow View of the Passes, which they judged unpassable, in Sight of an Army entrenched, whereupon they retired the 9th to *Elbodon*, in so good Order, that the Duke

of Berwick, who passing the River with a Body of Horse to fall upon their Rear, did not think fit to attempt it: After which they retired farther into their Territories, and put their Troops into Winter Quarters.

They were not all this while unmindful in *England* and *Holland* of supplying *Portugal* with fresh Troops, and towards the End of this Month Three Convoys from *Holland*, another from *England*, and the 3d from *Kingsale*, with Recruits and Reinforcements, arrived at *Lisbon*. On the other hand, all the Talk now in *Spain* was the forming the Siege of *Gibraltar*, where Sir *George Rook* had left 2000 *English* Marines before he came out of the *Streights* to return to *England*, together with a considerable Quantity of Stores and Provisions, and Forty Eight great Guns, besides a Hundred that were in the Town before. And the Prince of *Hesse Darmstadt*, was left Governour. We shall now give a particular Account of what the Enemy have done to regain that important Place from themselves.

First, The Marquess *de Villadarias* was ordered to draw together 8000 Men in the Kingdom of *Andalusia* and lay Siege to it. Accordingly he advanced pretty near it a few Days before the Fight happened at Sea between the Confederate and the *French* Fleet; but sent Word to Court, that he had neither Men enough nor a Train of Artillery with Ammunition sufficient, for such an Enterprize. Wherefore upon the *French* Fleet's, commanded by the Count *de Toulouse*, retiring to *Malaga* after the Sea Engagement, and Sir *George Rook* leaving the *Streights*; *Philip* having sent to the Count *de Toulouse* to desire him to furnish what Assistance he was able to the Marquess of *Villadarias*; the said Count, after having had a Personal Conference with the said Marquess at *Malaga*, detached the Baron *de Pointu* with 13 Ships of War, 4 Frigates, 2 Fire-ships, and 2 Bomb-Vessels, who arriving at *Algezira* in the Bay of *Gibraltar* the 4th Instant landed 3500 *French* Marines, 30 Pieces of Cannon consisting of 24 and 26 pounders, 100000 Weight of Powder, together with a certain Number of Bombardiers and Gunners, a great Quantity of Provisions and what other Necessaries for the Siege the Marquess had required. The Marquess *de Villadarias* having received this Re-inforcement, prepared to lay formal Siege to the Place: But did not begin to attack it till the 11th. The Account transmitted from *Paris*, of the Progress of this Siege, was as follows. The 21st the Attack was begun, notwithstanding the great Rains that had fallen; and the Trenches were opened at the nearest Milt to the Town; the Troops that entred those Trenches that day being commanded by the Count *d'Aguiar*, Lieutenant-General, Don *Bernardo Renau d'Elizagarai*, Major-General, and the Count *de Villars*, Brigadier. The Trenches were

carry'd

*October.* carry'd on 400 Fathom. The 22d 2000 Workmen, that were employ'd in the Trenches, carried them on almost 80 Fathom; and the Besieged made a great Fire from their Artillery, and threw a great Number of Bombs and Stones by which nevertheless only One Soldier was killed, and Two Troopers wounded. That Evening the Line of Communication was finished, and a Battery was rais'd of Three 24 Pounders, and Four Mortars, to oppose the Fire made by the Enemy from the Top of the Mountain. The 23d in the Night the Works were advanced about 1200 Paces on the Right, and as many on the Left, and the Attacks were join'd by Three Parallels. One Soldier was killed, and Four wounded. The Works were continued the 24th and 25th, notwithstanding the Rain that fell. The 26th the Artillery began to play, and that Day the Marquis de Villadarias had his Horse wounded by a Piece of a Bomb, as he was viewing the Works. The 27th the Works were perfected. The Enemies, besides the Fire they made from the Mountain, and from a Tower on it, threw a great many Bombs from a Bomb-Vessel they had within the old Mole; but did little Execution, killing only One Soldier and wounding Five. The Battery of Two Mortars on the Tower was ruined by the Cannon of the Besiegers. The Baron de Pontis finding the Enemies Bomb-Vessel incommoded the Workmen, sent in the Sieur Gabaret the 28th in the Night to burn it, who attacking it with a Tartar set it on Fire; and it blew up with several Bombs that were in it, some of which fell into the Town. In this Action but Twelve Men were killed or wounded. Of 24 Men that defended this Bomb-Vessel, Twelve were killed on boarding it, the rest saved themselves; but the Prince of Darmstadt caused Three of them to be hang'd. The 29th the Tower on the Mountain was quite ruin'd. And the same Day several Barks with Forces, Provisions and Ammunition on Board of them arriv'd at Algiers. The 30th at Night a Deserter came over, and reported that the Enemies chief Engineer was killed by a Bomb. The 31st a Bomb put into Disorder the Enemies Battery on the Mountain. A great Noise was heard, and a prodigious Smoak was seen to arise there, which made it probable the Damage they suffer'd was great.

*November.* Having brought this Siege to the End of the Month, we proceed, and pursue the Paces of it in the next, and the French tell us, that on the 1st Instant, the Works were continued with Success, and without Loss, particularly towards the Shore, where it had been resolv'd the principal Battery should be rais'd. The 2d a great Number of Fascines and Gabions were carried thither, and the Artillery was



begun to be placed on the said Battery, without the Loss of one Person, notwithstanding the continual Fire from the Place. The 3d was employ'd in perfecting the Works necessary for putting the Battery in a Condition to do the Service. The 4th the Besieged fired from the Mountain only, not from the Place. The Battery began to fire against the Place, and ruin'd the rest of the Tower, where by means of the Advantage of the Ground the Besieged had maintain'd their Battery. The same Day arriv'd Two Barks laden with Fascines, which had been cut and brought from *las Algeiras* by the *French* Infantry come from *Cadiz*. The 5th Two new Batteries of heavy Artillery were begun; the Besieged endeavour'd by redoubling their Fire to retard the Work, yet only a Cornet of Dragoons was kill'd that Day. The 6th Eight Thirty Six Pounders were placed upon those Batteries, and a like Number was placed thereon the Night following, for making a Breach in the Wall, in order to attacking it on the Side of the Church of *Our Lady of Europe*; for which purpose all the Water-men and Masters of Barks, who came out of *Gibraltar*, refusing to submit to the Arch-Duke, were summon'd together, in order to transport Troops to that side, which was the more safely to be done by the Assistance of Pilots, who were well acquainted with the Coast. The same Day (the 6th) the heaviest Cannon the Besieged had on their Batteries upon the Mountain were dismounted.

That the Enemies being inform'd, *Gibraltar* was besieged, Thirteen Ships of War, with some Frigats, were detach'd from *Lisbon* to carry Succours to it: That they arriv'd the 9th, and that the same Day the Troops moved nearer to the Place, in order to carry on the Attacks the more vigorously, and at the same time to put the Soldiers under Shelter from the Cannon of the Enemies Ships: That on the 10th the Besiegers continued to batter the Gate towards the Land, and it was quite ruined. The 11th, at Six a Clock, the Enemies Ships drew into a Line, and fired several Broad-sides, which did no Damage: But that the Besiegers raising very speedily a Battery of Ten 36 Pounders and Six Mortars, brought from *Barcelona*, made so great a Fire on the Old Mole, and on the Enemies Ships, that in less than an Hour they were obliged to leave their Station, and retire towards the Mouth of the Bay, to lie out of Danger: That one Frigate only of about 32 Pieces of Cannon, advanced in the Night, and fired Two Hours together; but that the Fire made upon her obliged her likewise to make off: That on the 13th the Besiegers Battery pointed against the old Bastion of *St. Paul*, ceased firing, having made a Breach large enough; and that they began to batter the Curtain, and to make proper Dispositions for giving

ving

November. ving an Assault in a few Days, which had been done sooner, but for the continual Rains, that render'd the carrying on of the Works the more difficult: That the same Evening, an *English* Man, who had been a long time a Consul of that Nation at *Bilboa*, came with a white Flag to desire an Exchange of Prisoners, which was granted: That on the 14th Four *Biscayners*, who escaped ashore in a Boat, assured the Besiegers there were no Land-Forces on Board the Enemies Squadron; and that even their Ships were but weakly Mann'd; that the Day before, 36 Men, some of them Officers, were kill'd in the Place by the Cannon of the Besiegers: That on the 13th the Batteries began to fire with great Success, and the Breaches were made yet larger; but that that Day an Accident happen'd, by which more Men were lost than had been before from the Beginning of the Siege: Three Waggons loaded with Powder casually blowing up, killed or wounded about 100 Men: That on the 16th the Cannon of the Besiegers dismounted Eight Pieces of Cannon of the Artillery of the Place, and made the Breach in the Bastion considerably larger: That the same Day the Enemies hoisted out all their Banners, and, 'twas believed, sent Provisions and Ammunition to them into the Place: That on the 18th a Battery of Twelve 24 Pounders, another of Seven 36 Pounders, and a Third of Three of the last mention'd Pieces, fired incessantly, and augmented the Breaches in such a manner, that the Houses of the Town might be seen. That this Fire was continued the following Days, and on the 20th all the Besiegers Guns were dismounted, the Curtain was almost laid flat, and the Castle quite ruined. That the Pay of the Workmen and Soldiers was doubled, to encourage them to make the greater haste with the Preparations for the Assault: That the Marquess *de Villadarias* made all necessary Preparations for a general Assault; but that on the 30th in the Morning Twelve of the Enemies Shallops appeared arm'd, having Foot-Soldiers in them, and landed near the Head Quarters, but were so vigorously charged, that they were obliged to reembark with Precipitation and great Loss, and that the *Spaniards* only lost Two Troopers: That the Batteries continued to fire on the 25th, and that a Trench was carried on above Fifty Fathom, for the greater Security of the Attacks: That next Day all proper Dispositions were made for a general Assault, but that it rain'd the 27th and 28th: That they made a Place of Arms the 29th near the Body of the Place, and a Parapet for covering the Men in it; and the Rains hinder'd them to carry on their Works on the 30th, which being the last Day of the Month, it's fit now we should inspect the

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more Authentick Account of the Confederates concerning *November*,  
this Siege.

The Prince of *Hesse Darmstadt*, Governour of *Gibraltar*, having towards the Beginning of *October* transmitted an Account to *Lisbon* of his being like to be besieged both by Sea and Land, Vice-Admiral *Leak* fitted out his Squadron with all possible Diligence to go and relieve him. He sail'd from *Lisbon* on the 5th, and by a quick Voyage arrived in the Bay of *Gibraltar* on the 9th, from whence we had the following Account of the Siege transmitted to us on the 21st.

The *English* and *Dutch* Squadrons commanded by Sir *John* *Gibraltar*  
*Leake*, arrived in our Bay very seasonably on the 9th Instant, succour'd  
the Enemy having resolved to attack us that very Night by by Sea.  
Sea and Land in Five several Places at once; (for the Enemy had got together a great Number of Boats from *Cadiz*, and other Ports, with which they intended to have transported 3000 Men to the New Mole,) but were disappointed by the Arrival of our Ships. The 11th in the Morning, the Enemy believing that by reason of the Squadron's being come to our Assistance, we would think our selves more secure, and be less upon our Guard, sent 500 Men, who, by the help of Rope-Ladders, got upon the Hill by Ways through which no Body had ever passed before, in order to have made themselves Masters of that Hill, and of a Pass which we are possessed of, and to have brought in more Forces through that Pass; but we discovered them soon enough to baffle their Design, and our Grenadiers attacked them, took 160 Prisoners, among whom are a Colonel and Thirty other Officers, and most of the rest were killed. Prince *Henry*, Brother to the Prince of *Hesse*, was wounded in this Attack. Colonel *Fox* was killed with a Cannon-Ball the Day that our Squadron arrived. Colonel *Nugent*, our Lieutenant-Governour has had the same Fate, and some other Officers of less Note. About 500 Seamen belonging to Sir *John Leake's* Squadron are come on Shore to our Assistance, and help us in repairing the Damage done by the Enemy's Cannon, and in making several new Works for our greater Security. Sir *John* has also supplied us with Provisions for Six Months, and with 100 Barrels of Powder. The Besiegers have made a Breach, but it is inconsiderable; and, in case they should widen it, we are preparing a Counter-work, from whence we may beat them from the Breach, should they attempt to mount it; in which they will find great Difficulties, not only by reason of our Situation, but also of several Works we have, from whence we can take them in the Flank, Front and Rear; besides which, the Admiral has promised to Man all his Boats with small Arms to come upon their other Flank by Sea, which the Enemy cannot avoid; and when our Succours are come from *Poreugal*, we

*November.* may then make a Sally, nail up their Guns, and soon oblige them to raise the Siege.

Of the same Date is the following Letter, written by Rear-Admiral *Vander Dussen*, who commanded the Dutch Squadron under Sir *John Leake*, which will not be improperly inserted in this Place.

*Vander  
Dussen's  
Letter a-  
bout it.  
21.*

THE Confederate Fleet sail'd from the River of *Lisbon* the 5th of *November*, with so favourable a Wind, that on the 9th in the Evening we came to an Anchor in the Bay of *Gibraltar*, where we found a *French* Frigate of 42 Guns, one of 24, one of 14, a Fireship of 16, a Ship laden with Bombs and Granadoes, Two *English* Prizes, and a Tartane, which upon our Arrival the Enemy drew close to the Shore, and set on Fire. The *English* took in our Way hither a *French* Frigate, but I do not know how many Guns she carries. The Belieged express'd an extraordinary Joy upon our Arrival, for, besides the Assistance they expected from us, they have now nothing to fear from the Sea-side, and mind only to defend themselves on the Side of the Land. The Besiegers continued furiously to batter the Place, and to work on new Batteries, and the 11th in the Night, 5 or 600 of them found Means to climb up the Rocks, and, by the Help of Rope-Ladders and other Things, got upon the Mountain, through a Way which was thought impracticable. They were to be supported by 3000 Men, but the former being discovered in time, the Prince of *Hesse* marched against them with 500 Men, and charged them with so much Vigour, that above 200 were killed on the Spot, and 180, with a Colonel, a Lieutenant-Colonel, a Major, 30 Captains, Lieutenants and Ensigns were taken Prisoners, and the rest, who endeavoured to make their Retreat by the same Way they came, fell down the Rocks, so that 'tis believ'd few, if any, returned to their Camp. The 13th, Admiral *Leake* and Rear-Admiral *Vander Dussen* having received Letters from the Prince of *Hesse Darmstadt*, whereby his Highness desired all the Assistance they could give him, they held a Council of War, wherein it was resolved to land as many Men as they could spare for defending the outward Posts on the Sea-side to the *Nostra Señora de Europa*, and to send likewise some Men into the Town to be employ'd on the Batteries and other necessary Services, which was done the 14th. The Enemy continue their Approaches, and batter the Place with a great deal of Fury, and on the 18th began to fire from a new Battery of Fourteen Pieces of heavy Cannon, so that they have now Thirty on their several Batteries, besides Mortars, whereby they have ruin'd a great part of the Walls and Bastion, and dismounted several

veral Pieces of Cannon of the Besieged. This has obliged *November*  
 the Prince of *Hesse* to desire a further Reinforcement  
 from our Squadron, and the Admiral's having landed  
 300 Seamen, viz. 200 *English*, and 100 *Dutch*, who are  
 daily employ'd in demolishing some Houses, and carrying  
 the Stones over-against the Courtine, which comes from  
 the Cover'd-Way to the Gate, which the Engineers design  
 to make as strong as possible, and plant several Pieces of  
 Cannon thereon; they hope this Work will be ready in  
 Eight Days, and mean time they undermine the old Ba-  
 stion and Courtine, so that if the Enemy storm and possess  
 it, they will be in Danger of being blown up, and then  
 they will have this new Work to attack. Those who have  
 seen the Breach assure me, that the Enemy must spend  
 some Days before they can be ready for the Storm, so that  
 we hope the Succours from *Portugal*, which the Prince of  
*Hesse* has so earnestly desired in his Letter of the 16th  
 Instant, sent by a Ship to *Lagos*, will arrive time enough  
 to preserve this important Place. If the Enemy make  
 any Attempt before, the Besieged may depend upon all  
 possible Assistance from the Men of War; and such Mea-  
 sures are taken, that we may on a sudden Man our Boats,  
 and considerably annoy the Enemy, in case of an Attack.  
 The Garrison does not want Provision or Ammunition,  
 but Men, Bombardiers, Gunners, Carpenters, &c. They  
 have lost several brave Officers, and amongst others the  
*Sieur Nugent, Conde de Val de Soto*, Deputy-Governour, and  
 the *English* Brigadier *Fox*. Our Arrival was very season-  
 able, for that very Night the Enemy had designed to at-  
 tack the Town in several Places, and had got a great many  
 Boats to attack it on the Side of the new Mole, by which  
 the Confederate Fleet attack'd it last Summer.

From on Board the Ship *Veluwe*, in the Bay of *Gibraltar*,  
 Nov. 21. 1704.

Sign'd,  
*P. V. Duffen.*

There being nothing of Moment more in these Parts to  
 detain us for the present, and nothing to invite us neither  
 to go into *France*, we shall prosecute the Siege of *Verue* so  
 far as it proceeds this Month. We left the Fort of *Guer-  
 bignan* untaken last Month; but the Besiegers inform'd us,  
 that the Duke of *Vendosme* set his Miners to Work, and by  
 the 6th of this Instant, the Batteries having made a con-  
 siderable Breach in the Intrenchments, and the Mines being  
 finished, he took a Resolution to assault the said Intrench-  
 ments, and to pass the *Po*, and attack the Duke of *Savoy's*  
 Cavalry encamp'd at *Crescensino* at the same time: Of the  
 Success of which Project, the Duke of *Vendosme* himself gives  
 the

November. the following Relation, in a Letter to one of his Friends at the Court of Versailles.

S I R,  
 Vendosme's Letter about the Taking of Guerbignan. 'Y Eſterday we made our ſelves Maſters of the Fort of Guerbignan, and the Enemies would not have come off ſo cheaply as they did, had not the terrible Rains that fell Two Days together, utterly broke all our Meaſures

' Having Advice, that the Enemies Cavalry only were left in the Camp of *Creſcentino*, and that all their Infantry were encamped in the Intrenchments of *Guerbignan*, I cauſed the *Po* to be ſounded, to find where it was fordable, and a Ford was diſcovered a Mile above *Creſcentino*, thro' which a Squadron of Horſe could paſs in Front. Hereupon I determin'd to paſs the River, and attack the Enemies in their Camp. All was ready for this Enterprize, and the Troops that were to paſs over with me, in Number 47 Squadrons and 20 Battalions, drew up on the Side of the *Po*; but the Rain encreaſed with ſo much Violence, that I was oblig'd to order our Men back again into their Camp.

' And I had order'd, that when I was paſſing the River, an Attack ſhould be made on the Fort of *Guerbignan*, in order to make a Diverſion, and to be poſſeſs'd of that Poſt, in which a conſiderable Breach was made; but at the Time the Attack was ready to be made, it was diſcover'd that all the Enemies Foot were decamp'd with Precipitation, and repaſſing the *Po*, to return to their Camp at *Creſcentino*. This made me think, the Duke of *Savoy* had Intelligence given him of my Motion, and ſo abandon'd *Guerbignan* to ſuccour his Cavalry, which he had learn'd were to be attack'd. I have ſince been inform'd, That a Trooper and a Dragoon deſerted, who doubtleſs inform'd him what our Army was doing, and who inſtead of doing us Hurt have ſerved us effectually, ſeeing upon their Information the Enemies abandon'd their Intrenchments to us without firing of one Muſquet-shot, and left in their Camp above 3000 Tents, and an infinite deal of Baggage, which they had not time to carry off. We are going to open Trenches before *Verue*, which we ſhall certainly take notwithstanding the bad Weather. I am, &c.

From the Camp before Verue, Novemb. 7.

Siege of Verue prosecuted.

It's poſſible his Highneſs may be miſtaken; but to proceed, the Trenches were open'd between the 8th and 9th, and, they tell us, the Works were carried on to the 20th almoſt without any Loſs, though it had rain'd continually for 10 or 12 Days, inſomuch, that the Soldiers were forced



to draw the Cannon to the Batteries by Strength of Hand; that the Besieged made a Sally on the 21st, but were repulsed with the Loss of 25 Men killed, and 15 taken Prisoners; that next Day the Trenches were carried on within Six Fathom of the Covert-Way; but that from that Time forward to the 6th of *December*, their Workmen were employ'd in throwing up a Parallel along the Counterfarp, and in making Saps to discover the Enemies Mines; we shall leave them at this cold and comfortless Work.

The last Business we left them upon in *Hungary*, was a Treaty of Accommodation at *Schemnitz*, which we find now, to our Sorrow, come to nothing. The Malecontents, on their Part, made the following Demands: 1. That the Kingdom of *Hungary* should be declared Elective after the Death of the King of the *Romans*. That their Grievances should be forthwith redressed, and that they should be reinstated in their Rights, Liberties and Privileges. 3. That the Principality of *Transylvania* should be for ever yielded to Prince *Ragotzi* and his Heirs. And, 4. That the Dignity of Palatine of *Hungary* should be conferr'd on Count *Berezani*. To these Demands the Plenipotentiaries of the Emperor return'd no direct and particular Answer, but in general Terms assured the Malecontents, That his Imperial Majesty would give them Satisfaction; but told them, That they must first acknowledge their Fault, ask Pardon for it, lay down their Arms, and restore the Places they had possess'd themselves of. But the Malecontents reply'd roundly, That they would die with their Swords in their Hands, rather than comply with such Proposals. Hereupon the Conferences were broken off; and the Imperial Plenipotentiaries, as also Mr. *Stepney* and M. *Bruyninx*, the *English* and *Dutch* Ministers, who went to *Schemnitz* to mediate the Accommodation between the Emperor and the Malecontents, return'd to *Vienna*.

We cannot give so particplar an Account of this Rupture as we would, but the following Letter yielding some farther Light into the Matter, take it as follows;

I Have had no Opportunity to write to you since my last dated from *Schemnitz* the 22d of *October*, wherein I acquainted you with the Audience Monsieur *Hamel Bruyninx*, Envoy Extraordinary of the States-General, had of Prince *Ragotzi* at *Eysenbach*. I told you also, that that Prince had not formally accepted the Mediation of *England* and *Holland* for a Peace, but only for a farther and formal Prolongation of a Suspension of Arms. Mr. *Stepney*, Envoy Extraordinary of Her Majesty of *Great Britain*, being arriv'd few Days after, we were in Hopes that those Negotiations would have had a good Issue; but the Plenipo-

Letter about the Rupture in *Hungary*.

November.

tentiaries of the Emperor having delivered in Writing the  
 Conditions upon which they were empower'd to consent  
 to that Suspension of Arms, the Deputies of the *Hungarians*  
 declared to the Mediators, that the Points insisted  
 upon by the *Imperialists* were so unreasonable, that it was  
 plain, they did not seriously intend to make an End of  
 those Troubles in a friendly Way, and that their Proposals  
 did not deserve an Answer. Mr. *Stepney* and Monsieur  
*Bruyninx* used all imaginable Endeavours with Prince *Ragozi*  
 to prolong the Truce for Fourteen Days longer, in  
 Hopes that they might have Time to write to the Empe-  
 ror, but that Prince would not hearken to it, unless the  
*Imperialists* yielded certain Points, which the Mediators  
 could never obtain from the *Imperial* Plenipotentiaries. The  
 Mediators desired the *Hungarians* to deliver a Counter  
 Project, but to no Purpose, and so that Negotiation  
 broke up without any Success, though none of the Parties  
 did absolutely deny what the other demanded. The *Impe-  
 rial* Commissioners insisted, that the *Hungarians* ought to  
 give an Answer to their Project, and Count *Berezani*, and  
 the other Deputies of the Malecontents alledged, that  
 Prince *Ragozi*, in the Name of the rest, having deliver'd  
 a formal Answer at *Giengorb* to the Proposals made unto  
 them on the Part of the Emperor, by the Archbishop of  
*Colocza*, there was no Need of any other Answer; and  
 that if the *Imperialists* were sincerely disposed to Peace,  
 they ought to return a Reply to their said Answer, that  
 the Mediators might see wherein they differ'd, and endea-  
 vour to bring them to an Agreement. Which Party was  
 in the Right, and most seriously inclined to Peace, I leave  
 you to judge; but a great many on both Sides could not  
 forbear expressing how sorry they were to see that the Ne-  
 gotiation should break up upon a Nicety of Form. I shall  
 not trouble you with a particular Account of the Demands  
 of the *Imperialists*, which you may have seen already;  
 but I must tell you, that when Count *Berezani* saw that  
 they insisted, that they should restore *Cassovia*, and all the  
 Places in the Mountains, and evacuate *Upper Hungary*, he  
 declared, that those Demands were no less surprizing to  
 them, than if they had required that Prince *Ragozi* and  
 all the *Hungarians* should send their Heads to *Vienna*, ac-  
 cording to the Practice of a Neighbouring Empire. By the  
 Proposals made by the Archbishop of *Colocza*, the Emperor  
 consented that Prince *Ragozi* should be restored to the Pos-  
 session of all his Estates *Per viam Gratia*, as an Act of  
 Grace and Favour; but the *Hungarians* in their Answer  
 insisted, that it should be express'd, that that Restitution  
 was an Act of Justice, *Per viam Justitia*. I was inform'd,  
 that a *Turkish* Envoy or Agent came to *Eysenbach*, while the

November.



Mediators were at *Schemnitz*, but that he declared, that the whole Kingdom of *Hungary* being in Arms, he came there only *ad videndum & audiendum*, to take Care that nothing prejudicial to the Interest of the Port should be concerted there. Prince *Ragotzi* set out the 1st Instant for his Army, and the 7th Instant invested *Neubausel* with 16000 Men, provided with a good Train of Artillery, and several able Engineers, most of the *French* Nation; and the Malecontents hope to be soon Masters of that Place. The Garrison is but weak, and indifferently provided; and besides, the Fortifications have been very much neglected since the Taking of *Buda*, and so many other Places nearer the *Turkish* Dominions. The Mediators seeing all their Pains and Endeavours thus frustrated, return'd hither the 12th Instant, and labour indefatigably for giving the Emperor a right Idea of the present Posture of Affairs in *Hungary*, which, 'tis fear'd, have been misrepresented. The Revolution in the Ministry at *Constantinople* adds a new Weight to their Reasons; for it may be fear'd, that the new Vicer may be influenced by the Councils and Money of *France*, and engaged to persuade his Master to assist the *Hungarians*. Those good Offices of the *English* and *Dutch* Ministers are the more necessary, because there is a strong Faction here, which would rather see the *Hungarians* subdued by Force of Arms, in Hopes of enriching themselves by Confiscations, than make any Step for reclaiming them to the Obedience of their Sovereign. This Faction, which kept for some time behind the Curtain, appears now somewhat publickly, especially, seeing the King of the *Romans* has more than once declared, that he was convinced of the false Measures the *Imperial* Court was inspired with by that Party.

Upon the Rupture before mention'd, Prince *Ragotzi* sat down before *Neubausel*, as above said, 20000 Men, a good Train of Artillery, and several able Engineers, most of them *French* Men; and the Garrison of that Place (not being numerous enough to defend it, nor having sufficient Stores of Ammunition and Provisions) a few Days after the Trenches were open'd, and Batteries raised against it, capitulated and yielded it up: Then he laid Siege to *Leopoldstad*, while General *Heister*, on his part, set out from *Vienna*, in order to put himself at the Head of the *Imperial* Troops in the *Lower Hungary*, to oppose the farther Progress of the Enemy, where at present we must leave him, and go to *Bavaria*. We gave you before the Treaty concluded between the Emperor and the Electors of *Bavaria*, by which it was agreed, that the *Bavarians* should evacuate *Passau* and all the other Places on the *Danube* up to *Straubingen*; and that all Hostilities

*Ragotzi*  
takes *Neubausel*.

*November.* should cease in *Bavaria* till a Treaty of Accommodation between the Emperor and the Electors was perfected. We are now to relate, that on the 7th Instant a Treaty of Accommodation was Concluded and Signed by the King of the Romans, and by Monsieur Neufonmier deputed from the Electors, in the Camp before *Landau*, and has since been ratified by the Emperor. The Articles of which Treaty ran thus in Substance.

Treaty between the Emperor and the Electors of *Bavaria*.

1. That all the Fortified Places of *Bavaria*, with the Arsenals, Artillery, Ammunition, &c. should be put into the Hands of his Imperial Majesty.
2. That the *Bavarian* Troops should be Disbanded, and left at Liberty to enter into the Emperor's Service, or to return to their Homes upon Promise not to serve against the Emperor and the Empire.
3. That the 18th of *November*, *Ingoldstadt*, *Kuffstein*, and the Castle of *Neubourg* on the *Inn*, should be put into the Hands of the Emperor, with their Magazines, Cannon, Ammunition, &c.
4. That whatsoever has been brought out of *Tirol* into *Bavaria*, should be restored.
5. That the Imperial and *Bavarian* Prisoners shall be discharged on both sides, the latter under a Promise not to serve against the Emperor.
6. That the City of *Munich* and its Dependancies should remain in the Possession of the Electors, excepting what is excepted by this Treaty.
7. That the new Fortifications made at *Munich* since 1700, should be demolished, and the Artillery, Ammunition, and Magazines, yielded up to the Emperor.
8. That the Electors should be allowed a Guard of 400 Men, to be chosen from among the disbanded Troops.
9. That the *Apanages* (or Annual Revenue) of the Electors, and the Officers of the Country, should be regulated by his Imperial Majesty.
10. That when the Treaty should be executed, if the Electors should desire to leave the Country, the necessary Pass-ports should be given her.
11. That the Estates of *Bavaria* should be preserved in their Privileges.
12. That the Ratification should be exchanged on both sides within a certain Number of Days; the Electors promising that in the mean time no Hostilities should be committed against the Emperor and Empire; and that Commerce should be open'd between the Subjects of both Parties.

After the Conclusion of this Treaty, 'twas expected the Flames of War were quite extinguished in *Bavaria*; but some Sparks soon broke out again. For the Negotiation of Peace between the Emperor and the Malecontents of *Hungary* being broken off, some Imperial Regiments being order'd from the *Danube* to serve in *Hungary*, and the Siege of *Landau* dragging on so long; when general *Herbeville* advanced to *Ingoldstadt* on the 18th and signified to the *Bavarian* Garrison, that he was come to take Possession of that Place, upon their Marching out, pursuant to the Treaty above-mentioned;



oned, and the Elector's express Orders to that purpose; *November.* the Garrison mutinously refused to march out, unless they were paid their Arrears, amounting to 200000 Florins. Whereupon, all General *Herbeville* could do, was to caption his Troops in the Villages about *Ingolstadt*, to send an Account of what had passed to the Emperor, and wait for Orders. Mean time the *Bavarians* Garrisoned in *Kuffstein* and *Braunau* followed the Example of that of *Ingolstadt*. But *Landau* surrendring the 25th they were soon after brought to Reason.

But before we come to the Particulars of that Siege, we shall first observe that the Confederates having formed a Design to surprize Old *Brisac*, the Governour of *Fribourg* set out from thence the 9th at Nine at Night, with 2000 Men, and a great Number of Waggons and Carts, some of which were loaded with Arms, Grenadoes, Musquets, &c. and the rest with Soldiers, all picked Men; and were driven by Officers disguised in the Habits of Carters. They were cover'd with Hay laid upon Poles fitly disposed in the Waggons to give the Men Room to breath; so that they seemed to be Waggons loaded with Contribution-Hay, such as used almost daily to come to *Brisac*. They arrived at that Place the 10th at Eight in the Morning; favoured by a very thick Fog, and Three of the Waggons entered the Town, Two of which had Men in them, and the Third was loaded with Arms. An *Irish* Man, named *Bierne*, entrusted by the Persons who had undertaken to make some new Works, or repair the old ones of *Brisac*, to look after the Peasants employed therein, observing near the New Gate Thirty Men, in the Habits of Peasants but of no clownish Aspect, and suspecting them, asked them who they were, and if they came thither to be employed why they did not offer themselves to be set to Work with the rest of the Peasants? And upon their giving him no Answer, but appearing to be at a lost what to say, he laid some of them on with his Cane. Hereupon those Men stepped to a Waggon that was near them, and taking out Arms, made several shot at him without wounding him. The *Irish* Man cried out to Arms with all his Might, and at the Noise, the advanced Corps de Guard of the Half Moon, and that of the Gate, ran to their Arms and would have hawled up the Draw-Bridge, but could not because of the Waggons which the Enemy had caused purposely to stop upon it. The Officers and Soldiers that were in the Two Waggons that were got into the Town, leaped out armed, and attacked the Corps de Guard commanded by Monsieur de *Beauval* Captain of the Granadiers of the Regiment of *Guitault*: But were repulsed, Five of them being killed; the rest fled affrighted, some into the Town and some out of it. Then the Captain shut the first Gate, which being made with

Design upon  
on *Brisac*  
mis-carries.  
9.

*November.* with Grates, the Confederates upon the Bridge fir'd thro' them upon those who presented themselves against them. The Captain leaving half of his Guards below, went up with the rest upon the Rampart, and firing from thence killed and wounded some of the Confederates. Mean time the *Sieur de Raoussier*, Commandant of the Place, disposed the Garrison in the necessary Posts, and the Townsmen ran to Arms likewise, upon which the Confederates thought fit to retire.

Siege of  
*Landau*  
prosecuted.

Now to the Siege of *Landau*, the Besieged sprung Two Mines on the 1st Instant, without much Damage to the Besiegers, who had 32 killed, and 85 wounded; and the same Day *Van Saken* defeated a Party of the Enemy. The Night between the 1st and 2d, the Besiegers carried their Approaches on considerably, on the Right and Left along the Pallisadoes, and before the Half-Moon: They likewise perfected the Lodgments they had made before, and began to raise Batteries on the Right of the Half-Moon, for making Breaches: They had 4 killed and 38 wounded. On the 2d at Night they sprung a Mine under the Besiegeds Place of Arms so successfully, that they lodged themselves there; and likewise carried on their Lodgments on the Right in the Covered Way before the Counterguard, from one Traverse to the other: They also carried on their Works vigorously on the Glacis on the Left of the Attack. On the 3d the *Prussians* made a Lodgment on the Pallisadoes on the Left, and began a new Battery for making a Breach in the Place: They had 15 Men killed and 33 wounded. The Night between the 3d and 4th, Sixteen 24 Pounders were planted upon the Battery raised on the Left to make a Breach; and at Day-break began to play. In the Evening, of the 4th, the Enemies sprung Two Mines before the Counterguard on the Left, but without doing much Damage; and that Day the Besiegers had 8 Men kill'd, and 49 wounded. The Night between the 4th and 5th, they blew up by a Mine the Enemies Place of Arms before the Counterguard on the Left, and made a Lodgment there. Likewise Two resolute Granadiers went down into the Ditch, (which then had no Water in it,) to seek for *Saucissons*, which is a Train of Powder wrapt in a Cover of Two Inches Diameter, and is fired to spring a Mine, into which one end of it reaches, and they discovered Two, which they cut and brought up with them: They had that Day 29 Men killed and 83 wounded. On the 6th, their Battery on the Left fired all Day with good Success: And some Granadiers went down into the Ditch, and found the *Saucisson* of a Mine that was under a Place of Arms: They had 11 Men killed and 78 wounded. On the 7th, to cover their Breach-Battery they made a Breach-work on the Left, and began to work upon

Four

Four Descents into the Ditch; Two facing the Half-Moon, *November* and the other Two the Counterguards on the Right and Left, and they continued working to prepare the other Batteries: They had 6 Men killed and 85 wounded. The Night between the 7th and 8th, they fix'd the Gabions of their Breach-Battery, and rais'd Batteries of Mortars on the Right and Left. The Breach-Battery being finish'd, 60 Demi-Culverins were placed on it, and began to fire the 8th at Day-break; the King of the *Romans* being in the Trenches: They had 12 Men killed and 98 wounded. The Night between the 8th and 9th, some Granadiers were commanded to attack a small Post, call'd a *Caponier*, possess'd by the Enemy in the Covert-way; which they burnt after they had driven them out: They had 7 Men killed and 96 wounded. The 10th, they set on fire the Fascines and Works with which the Enemy had repair'd the Breach made in the Half-Moon last Year; and it succeeded to Expectation. The Battery of the *Imperialists* on the Right, did great Execution; but it being observed that that of the *Prussians* on the Left, was a little too far off, they fell to work to carry it forwarder: They had 20 Men killed and 95 wounded. On the 11th, the Enemy let the Water into the Ditch, which before Night rose Eight Foot high, whereby the *Saucissons* that lay in the Ditch were rendred unserviceable. This oblig'd the *Prussians* to mend their Battery; and to raise a new one of Six Guns. They had Nine Men killed and 67 wounded. The 12th Two Batteries of Two Guns each, and One of Two Mortars, were rais'd near the Place of Arms before the Half-Moon, which play'd all Day with good Success on the Flank of the Counterguard. The Evening several large and small Mortars were placed on the Right of the Attack. They had 21 Men killed and 96 wounded. The Night between the 12th and 13th the Four Descents were advanced to the Ditch, and began to throw the Earth of the Covert-way into it. They had Nine Men killed, and 56 wounded. The 14th they continued to throw in Earth to fill up the Ditch. And advanced so far towards the Half-Moon, that a Gallery was fix'd to the Right Face of it. They had only Five Men killed and 46 wounded. The 15th they continued to work to perfect their Galleries, and that with so much Success, that Two were fix'd with their Parapets to the Breach of the Half-Moon, notwithstanding the Fire made by the Besieged from the Artillery and small Arms. They continued to work likewise to fill up the Ditch, and their Batteries fir'd incessantly to enlarge the Breaches. That Day they had Five Men killed, and 68 wounded. The Night following, the Prince of *Baden* having view'd the Approaches towards the Half-Moon; and having reported to the King of the *Romans* the good Condition he found the Breach in the Right Face of the

November. the Half-Moon in; his Majesty commanded General Bibra with some Troops to Storm the said Half-Moon; the Attack succeeded, so that their Grenadiers climbed up the Breach before they were perceived, and drove the Enemy over a Barricado, which they had made with Trees and Pieces of Timber on the Left of the Half-Moon. Then they took Post on the Point of the Half-Moon, and began a Lodgment of Twenty Paces long, having a Communication with the Galleries, which they finished before Day-break the next Morning. The 16th at Eight in the Morning, the Besieged sprung a Mine near the Lodgment now mentioned, but did no great hurt; and afterwards made a Sally to endeavour to beat them from the Lodgment, but were presently repulsed with Loss by our Grenadiers; so that the Men perfected that Lodgment. They had two Men killed, and 112 wounded, among them Two Captains, Two Lieutenants, One Ensign, and Two Engeniers. The Night between the 16th and 17th they enlarged their Lodgment and secured it by a Banquette; and the Cannon that had made the Breach in the Half-Moon, were turned against the Curtain. The 17th they continued to work to fill up the Ditch, and to run Galleries along the Counterguards; of which Galleries that on the Right was advanced over Three Parts in Four of the Ditch. We had 28 Men killed and 130 wounded; the 19th and 20th the Works were carried on, and the Night between the 20th and 21st, they attacked the Counterguard on the Right; and their Grenadiers having soon taken Post on the Breach, the Besieged were driven off. The Night between the 22d and 23d, they lodged themselves likewise on the Counterguard on the Left: And next Morning they made the necessary Dispositions for giving a general Assault, sufficient Breaches being made; and 5000 Men were commanded to make ready to go upon that Service: But the Besieged instead of enduring Extremities, (as they boasted they would, and indeed with some reason valued themselves all along for their brave Defence of the Place, and the great Damage they did to the Besiegers) they hung out a white Flag and beat a Parley between 10 and 11 a Clock. Whereupon Hostages were given on both sides; and after several Messages backwards and forwards, the Capitulation was concluded and signed the 24th, and consisted of Twenty Eight Articles, in the main the same that were granted by the Imperialists to Monsieur de Melac Two Years ago, and by the French to the Count de Frise last Year, in Substance these that follow.



## I.

The *Sieur de Laubanie* shall deliver to the Emperor's *November*.  
Troops one of the Gates of the Town the 25th of *November* at Eight in the Morning : And the 26th before Noon, the Garrison shall march out of the Place with all Marks of Honour, *viz.* Drums beating, Colours flying, Sword and Musket, Ball in Mouth, Match lighted, and 36 Charges of Powder each Man ; as also with their Baggage.

Articles of  
the Surren-  
dry of Lan-  
dau to the  
Imperialists.  
24.

## II.

The Garrison shall carry out with them Four Pieces of Cannon, Two of them 24 Pounders, one Twelve Pounder, and one Six Pounder ; as also two Mortars. And shall be furnished with necessary Carriages.

## III.

They shall be allowed to take with them Powder and But-let for 24 Discharges each Piece ; 24 Bombs ; and as many Waggon, Carriages and Horses as are necessary for carrying the same to *Strasburg*. And Two Waggon are freely allowed them, for carrying the Headpieces and Cuirasses.

## V.

All the Horses and Baggage of the Offices, Soldiers, and others, that are in the Service of the King of *France*, are allow'd to be carry'd out ; except those belonging properly to his most Christian Majesty.

## VI.

There shall be furnished, at the Expence of his *Imperial* Majesty, 400 Waggon, drawn by Four Horses each, for carrying the Baggage, the Sick and Wounded.

## VIII.

The Sick and Wounded shall be permitted to stay in the Town, with Chirurgeons to attend them, till they are cured : But shall be allow'd only Bread at the Expence of his *Imperial* Majesty, at whose Charge likewise they shall, when able to travel, be conducted to the nearest *French* Garrison.

## XI.

When the Garrison marches out, no Injury shall be done to any one among them, Man or Woman : Their Movables or Baggage shall not be touched ; and all the Prisoners taken on both Sides since the Declaration of the War shall be set at Liberty.

## XII.

All the Inhabitants of the Town, as well *Jews* as *Christians*, shall be included in this Capitulation, and be safe and free ; and shall be permitted freely to buy of the Garrison the Movables they will not carry off.

## XIX.

November.

XIX.

The Officers Equipages shall not be searched : Six covered Waggon's shall be allow'd, and shall not be searched ; nor shall any *French* Deserters be detain'd.

XXIV.

The Officers and Soldiers of the Garrison shall be allow'd to take Provisions with them for Four Days.

XVIII.

The *Imperial* Troops shall not take any *French* Man out of their Ranks, when the Garrison marches out ; nor any Soldier, *German* Deserters excepted ; nor shall they constrain or persuade any to take Service in his *Imperial* Majesty's Army, nor though they should find them disposed to it.

Done at the Camp of Ilbersheim before Landau, Novemb.  
24. 1704.

Sign'd,

The Markgrave Lewis of Baden,  
Monsieur de Laubanck.

Soon after the Garrison capitulated, the King of the Romans notified the same to the States-General in the following Letter.

Most dear Friends,

K. of the Ro- '   
mans Letter ' A T length the strong Town of *Landau* has submitted  
to the States ' to the victorious Arms of us and our Allies, after a  
long and obstinate Defence.

' God be praised, that our Campaign is so gloriously ended by the Surrender of a Place of such Importance, and that we have open'd our selves a Way to greater Successes. We doubt not, most dear Friends, this happy Success is the more welcome to you, in that by your Care and Success, to which it was very much owing, you have shewn your Readiness to promote the Interest of the Common Cause and Ours. Most dear Friends, this is what we were willing to advise you of by this present Letter, wishing you all manner of Prosperity.

Given in our Royal Camp at Ilbersheim, near Landau, the  
23d of November.

Sign'd,

JOSEPH

*Traerbach*  
besieged.

We have before mention'd the Confederates Design to besiege *Traerbach*, and the Baron de *Trogne*, who had the Direction of the Siege, having got Batteries ready by the 17th, on that Side of the Place which faces *Enzig*, they began to fire upon the Place, and did such Execution, that the 21st in the Evening 200 Granadiers and Two Battalions were

were ordered to make an Assault; but as they were climbing up the Eminencies to attack the Castle, the Besieged fired so furiously upon them, and the Weather grew so stormy, that the Assailants were obliged, after 250 of them were killed, to stop half way, and shelter themselves behind a Rock that Night, and the next Morning they retired into their Camp. This was a considerable Baulk, and the more, if what the *French* said was true, that we had above 500 Men killed and wounded upon this Occasion: However, the Hereditary Prince of *Hesse* being not discouraged herewith, the Siege went on vigorously; but the Place not being reduced till next Month, we shall tarry here no longer; neither shall we accompany the Duke of *Marlborough* to the Court of *Prussia*, where part of his Business was to negotiate that 8000 of that King's Troops should be sent to *Italy* next Campaign (which he happily effected) and where he was entertain'd with extraordinary Respect, his *Prussian* Majesty presenting him with a Hat, having a Diamond Button, Loop, and a Diamond Hat-band, valued at between 20 and 30000 Crowns; and also Two fine Saddle-Horses, with rich Furniture, and other Things.

Once more the *Polish* Affairs come under our Consideration, where, without recapitulating any thing that was said before, King *Augustus* being obliged to retire to *Cracow* with his Cavalry, his Infantry was order'd to return into *Saxony*, and had almost a miraculous Escape; as the Reader may see in the following Account.

General *Schuylenburg* with the Infantry, consisting of Twelve *Saxon* Battalions, Four *Polanders*, so thin, they hardly made 600 Men together, and Eight *Muscovites* making 2500 Men, was order'd to march into *Saxony* by the shortest Way. That General seeing that those Troops wanted Bread, and that the Country through which they were to march, could not afford them a sufficient Subsistence, was obliged to divide his Forces, and order the *Muscovites* to take a different Way. They were hardly separated, when the General receiv'd Advice that the King of *Sweden*, the pretended new King *Stanislaus*, with the best Generals, and the Flower of their Cavalry, consisting of Nine Regiments near compleat, making about 8000 Men, were pursuing of him with all imaginable Diligence. This made *Schuylenburg* very uneasie, considering the Weariness of his Troops, that he had but about 300 Horse, who could not make any Resistance, and that they wanted Provisions; but notwithstanding these Difficulties, they continued their March from the 2d to the 7th, and posted themselves with so much Advantage, that the *Swedes* could not attack them, except at *Kalish*, where they took a Colonel, 2 Captains and 20 Troopers, who were posted there to skirmish with the *Walachians*, and

Fight between the *Swedes* and *Saxons*.

*November.* and favour the March of the Foot. The 7th, about Two Hours before Sun-setting, the whole Body of the *Swedes* came in sight of the *Saxons*; and General *Schuylenburg* having but one thing to do, which was to fight, and not suffer himself to be surrounded, and have his Retreat cut off, order'd immediately the *Saxon* Batallions to come out from the Gardens wherein they were posted, and to march through a large Road towards a little Hill, whereon stood a Village, having a pretty large Ditch before it. The *Swedes*, who perceiv'd his Design, did not give him time to put it in Execution, and drew up with all possible Speed in order of Battle, and detach'd several Squadrons to attack him in Front and Flank at the same time. The *Saxon* Infantry was then in an even and open Country, without Pikes, *Chevaux de Frize*, or Cavalry, and the Four *Polish* Battalions continued all this while in the Gardens aforesaid, by the Mistake of an Officer, who gave them that Order. The *Swedes* having thus all the Advantages they could desire, both for Number or Place, charged them with a great deal of Fury, Sword in Hand, being confident of an entire Victory, the Infantry, consisting hardly of 4000 Men, was drawn up in very good order, and so disposed, that Two Ranks fired at the same Time. Their small Body of Horse and Two Battalions gave Ground: But General *Schuylenburg* caused immediately that Interval to be filled up by Two Battalions. The Disorder the *Swedes* were put into, gave them time to continue their Match towards the Village aforesaid; and being come to the Ditch before mentioned, the whole Body faced about, and the *Swedes* attacked them on Four sides with a great deal of Fury; but the *Saxons* being encouraged by the first Advantage and their Situation, because of the Ditch they had before them, gave the *Swedes* such a warm Reception, that they retired in greater Confusion than the first time. They rally'd, and made several Motions to surround them on all Sides. There was an Interval on the *Saxon* Right Flank of about Fifty Paces, which their General endeavour'd to fill up, but had not Time to do it, and the *Swedes* having renew'd the Charge, 200 Horse came full Gallop through that Interval into the middle of the Square the *Saxon* little Army made, where they were all kill'd, except 4 or 5. They were repulsed every where, but yet they charged twice more, tho' not with so much Vigour as before, and retired out of Sight of their Camp. General *Schuylenburg*, considering that he wanted Provision, and that the *Swedes* hourly expected Gen. *Welling* with the rest of their Forces, thought fit to retire 4 or 5 Hours after the Action was over, having withdrawn the Four *Polish* Battalions from their Post. The *Muscovites*, who were within a League of that Place, continued their March through Morasses and Forests unpassable for Horses; and



and they arrived at *Gura* in *Silesia*, where they had some Refreshment. The King of *Sweden* follow'd them with all possible Speed, and they having Advice, that his Vanguard was within a small League of them, march'd towards the River *Oder*, and posted themselves in a very advantageous Place. Mean time, a Colonel was sent with Orders to make a Bridge over that River, by Means of a Mill, and the Assistance of the Miller, which was done accordingly. The King of *Sweden*, knowing the advantageous Post they were possess'd of, and having no manner of Advice of the Bridge they had laid, the *Saxon* General having sent Orders to get several Boats in another Place, encamped within a short Mile of their Camp, with a Design to attack them next Day; but they march'd the same Night towards the *Oder*, and few Hours after got safe on the other Side, to the great Surprize of the *Swedes*, who did not think fit to pursue them any farther. They left behind them Three small Field-Pieces, which they could not carry away for want of Horses, They took a Pair of Kettle-Drums and Five Standards from the Enemy. They had about 100 Men killed, and several wounded, and the *Swedes* had taken some Prisoners, who, being sick, could not follow the rest. The *Swedes* very much magnified their Success, though they certainly sustain'd great Loss, and the Conduct of the *Saxon* General upon this Occasion was very extraordinary, and ought not to be over-look'd in History.

In the mean time, the House of *Lubomirski* made their Peace with King *Augustus*, and on the 18th the Great Marshal and his Two Brothers waited on his Majesty at *Cracow*, and were received with all possible Marks of Generosity and Kindness. The King conferr'd with them on his most secret Affairs, left the Command of his Forces to Prince *Lubomirski*, and then set out for *Dresden*, where he arrived the 1st of *December*, his Presence being very necessary there in relation to the Government of his Electorate, wherein he design'd to make several Alterations.

Having nothing worth our while to tarry any longer Abroad, one of the first Things we find the Commons go upon at Home (to say nothing of the usual Method of Supplices) was an unanimous Resolution to address Her Majesty, That She would be pleased to bestow Her Bounty upon the Seamen and Land-Forces, who had behaved themselves so gallantly in the late Actions both by Sea and Land: And the Address being ordered to be presented by those of that House who were of Her Privy-Council, Her Majesty return'd Answer, 'That She was always so desirous to give Encouragement to those who did great Services to the Publick, that She could not but be well pleased with the Notice they had taken of them in their Address, and

Queen's Answer to the Commons Address about rewarding Soldiers, &c.

November. ' that She would take Care to give Directions accord-  
ingly.

Lord Halli-  
fax's Case.

We are here to observe, that the Right Honourable Charles Lord *Hallifax* having, by Order of the Commons last Sessions, been prosecuted for some Defects in passing Accounts (as was alledged) as he was Auditor of the *Exchequer*; it was done accordingly at the *Exchequer Bar* in *Trinity-Term* last. The Cause upon a full Hearing, was, according to the best Information I could get, like to go in favour of my Lord, when before the Verdict given a *noni prosequi* was produced, and the Matter then there determined; But the Commons, on the 3d Instant, having ordered the Queen's Serjeant and Solicitor-General, and others Her Majesty's Council concern'd in his Prosecution, to lay before them an Account in Writing of what Proceedings had been against him, and the State of that Matter, the same was done on the 7th, and the Consideration thereof being reterr'd to the 14th, they then ordered the Exception taken by my Lord's Council to the Information exhibited against him, and allow'd by the Court of the *Exchequer*, to be laid before them. They reterr'd the Matter to the 18th, when the Information and Proceedings, with the Certificate of the Attorney-General, being read, upon a Motion made, it was carried for adjourning till the 20th, and the Matter has since lain dormant.

The Lord *Haversham*, about the Middle of the Month having acquainted the Lords, That he had something to impart to them of the highest Concern to the Nation, and the 23d being the Day appointed by that House to hear it, he delivered himself then to them after this manner.

Lord Haver-  
sham's  
Speech.  
23.

My Lords,

I Am very sensible to what Censure he exposes himself who addresses your Lordships in such a Manner, at such a Time; but this being the only proper Place for me to mention what I have to offer of Complaint, I the more confidently hope your Lordships Forgiveness.

I would be far from detracting or lessening any Man's just Praise, and do really believe that the wonderful Victory obtain'd over the *French*, under the Conduct and Command of Prince *Eugene* and the Duke of *Marlborough*, consider'd in all its Circumstances, especially the unanimity and Secrecie with which the Orders were executed, is the greatest any History can shew us.

And though our Success at Sea was not equal to what was at Land, yet the *English* Courage and Bravery shew'd it self the same. I cannot, indeed, congratulate Sir *Georg Rook's* entire Victory over the *French*, but I can, and do most heartily his safe Deliverance from them; and that

with a Fleet so unprovided, and so weaken'd, by 5 or 6 *Dutch Ships* being call'd Home a little before the Engagement, seems to me a considerable Piece of Service. To say more would look like Flattery, and to say less would be unjust.

*My Lords,*

'The Navy of *England* is its Glory and its Guard; 'tis that which should protect our Trade, and secure our Coasts. Your Lordships were so sensible of this, that you recommended those Two Heads to Her Majesty in Two Addresses last Sessions, full of Respect, and yet very pressing; but we have been so far from receiving the Fruits we expected from your Lordships Care, that whoever will but take a View of what was done last Summer, will see our Coasts left naked, and our Trade exposed, *St. Paul* riding in the Channel, and our Merchants so far from being protected, that even our Men of War themselves are taken in our Soundings. And what sharpens our Misfortunes, is to see our Enemies making use of our own Ships against us, and to be provided with their very Naval Stores from us, as the Count *de Thoulouse's* Squadron was, if an Eye Witness thereof, now at the Door, may be believed.

*My Lords,*

'Let our Victories be what they will ashore, while *France* is thus powerful at Sea, and more so daily, not only by his new Additions, but by our too easie Concessions, as were those of *St. Christophers*, *Newfoundland*; and *Hudson's Bay*; while our Trade is thus neglected, and your Lordships faithful and provident Advice baffled, by the dark Counsels of No Body knows who, *England*, in my Opinion, can never be Safe.

'Another Thing that I shall take Notice of, is the present State of the Coin; and I dare venture to say, that if such vast Exportations be much longer continued and allowed, we shall have very little left at home; *France* may be beaten, but *England* must be beggar'd. I know we are not so sensible of this, because there is a Paper Money now Currant; but should there even happen to be a stop there, I pray God preserve us from sinking at once.

'The last thing that I shall mention to your Lordships is with Relation to *Scotland*: I think I need but lay before your Lordships the true Matter of Fact to convince you how much it deserves your Consideration. A little before the last sitting down of the Parliament there, it was thought necessary to make some alteration in that Ministry, and accordingly some were displaced to make Room for others,

November.

taking some from each Party, who might influence the  
 rest: Things being thus prepared, and a Motly Ministry  
 set up, the Parliament met about the 6th of July last; and  
 tho' the Succession to the Crown in the Protestant Line  
 was the main thing recommended with the greatest Ear-  
 nestness by the Queen in her Letter to them, yet it was so  
 postpon'd and baffled, that at length it came to nothing,  
 partly because the Ministry was so weak and divided, that  
 instead of doing every thing they could do nothing; and  
 partly from a received Opinion that the Succession it self  
 was never Sincerely and Cordially intended, either by the  
 Ministry there, or by those that managed the Scotch Affairs  
 here.

This is evident; for at the very opening of the Session,  
 My Lord Secretary himself distinguishes between a Secret  
 and revealed Will. And not only that, but upon the 4th  
 Sederunt (as they call it) a Motion was made for a Bill of  
 Exclusion; I take it formally to be so, tho' it bears the Ti-  
 tle of an *Act of Security*, which was read the first time on  
 the Seventh, and ordered to lie on the Table till they heard  
 from England; and on the 10th it was past into a Law. Now  
 can any reasonable Man believe that those who promoted a Bill  
 of Exclusion there, or those who had advised the passing of it,  
 could ever be really and cordially for the English Succession. I  
 know there is an Exception in the Act it self, but 'tis such  
 an one as might have full as well been left out; for he that  
 asks what he knows before will never be granted, asks the De-  
 nial: And yet this is not all, but in this very Bill of Exclu-  
 sion, as I call it, all the Heritors and Boroughs are not only Al-  
 lowed, but Ordained (as the Word is) to be Armed, and to  
 Exercise their Fencible Men once every Month.

This being the Fact (and I think I have stated it very tru-  
 ly) surely, my Lords, it is what deserves your Considera-  
 tion, and I shall make but One or Two Observations to  
 your Lordships. There are Two Matters of all Troubles,  
 much Discontent, and great Poverty, and who ever will  
 now look into Scotland will find them both in that Kingdom.  
 'Tis certain the Nobility and Gentry of Scotland are as  
 Learned and as brave as any Nation in Europe can boast of;  
 and these are generally discontented: And as to the com-  
 mon People, they are very numerous and very stout, but  
 very poor: And who is that Man who can Answer what such  
 a Multitude, so Armed, so Disciplined, with such Leaders,  
 may do, especially since Opportunities do so much alter  
 Men from themselves? And there will never be wanting  
 all the Promises, and all the Assistance, France can give.

Besides this, my Lords, I take it to be of the last Danger to  
 England, that there should be the least Shadow or Pretence of  
 a Necessity to keep up Regular and Standing Troops in this

King-



Kingdom in time of Peace, for I shall always be of the same *November.*  
 Opinion, That what has been, may be.

'In short, my Lords, I thing every Man wilhes these Things had not been ; and in my Opinion, there is no Man but must say they should not have been. I shall end with an Advice of my Lord Bacon's, *Let Men, says he, beware how they neglect or suffer Matter of Troubles to be prepared, for no Man can forbid the Spark that may set all on Fire.*

'If any thing I have said deserves it, your Lordships will take it into your Consideration ; if not, I'm sure I ought to ask a Thousand Pardons for so long Abuse of your Patience.

A Committee was appointed to consider the several Particulars contained in this Speech, but nothing being perfected or fully resolved on this Month, we are to take Notice, that though the Lords had rejected the Occasional Conformity Bill the Two last Sessions, notwithstanding, there was another brought in, and read the first time on the 23d, and carried, not without hard Debates, to be read a second time on the 28th, at what Time it was debated, with more Vigour than before ; but the Question being put, That it should be committed to the Committee of the whole House, to whom the Bill for granting an Aid to Her Majesty by a Land-Tax and otherwise, was committed, the House divided: There were 134 for incorporating, but the opposite Party carried it against them by a very great Majority. Let those Gentlemen within Doors that were for Incorporating mean what they please, I have yet hardly met with any Person without, whether High or Low Church (as the foolish Distinction of the Times goes) that had any Opinion of it.

The Report of the Bill was made on the 5th, and a Debate arising, Whether it should be ingross'd or not, it was carried in the Affirmative, Yea's 145, No's 118. The Bill was read a Third time, and pass'd on the 14th, Yea's 179, No's 131. The Bill ran in these Terms ; *December.*

'Whereas an Indulgence to Consciences truly scrupulous is agreeable to the Christian Religion, and particularly to the Doctrine of the Church of England ; and therefore an Act passed in the First Year of the Reign of the late King William and Queen Mary of Glorious Memory, entituled, *An Act for preventing their Majesty's Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws ;* which Act ought inviolably to be observed: Yet forasmuch as it is enacted, by an Act made in the Thirteenth Year of the Reign of the late King Charles the Second, Entituled, *An Act for the well*

Occasional  
Conformity  
Bill.

December. *Governing and Regulating of Corporations*; and also by another Act made in the Twenty Fifth Year of the Reign of the said King Charles the Second, entituled, *An Act for preventing Dangers which may happen from Popish Recusants*; That the Persons to be admitted into the Offices and Employments therein mention'd should receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of England: By which Act it was manifestly intended, That such Persons should be and continue conformable to the Church of England, as it is by Law establish'd. And forasmuch as the said Acts have been most notoriously and scandalously eluded by many Dissenters from the Church of England, who have received the Sacrament of the Lord's Supper, in order only to have or retain such Offices or Employments as aforesaid, and to evade the Penalties of the said Laws; and have afterwards withdrawn themselves from the Communion of the Church of England, and resorted to Conventicles or Meetings, for the Exercise of Religion in other manner than according to the Liturgy and Practice of the Church of England.

For preventing therefore such scandalous and irreligious Practices for the future, and the evil Consequences thereof,

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by the Authority of the same, That if any Person or Persons, after the Five and Twentieth Day of March, which shall be in the Year of our Lord One Thousand Seven Hundred and Five, either Peers or Commoners, who have or shall have any Office or Offices, Civil or Military, or receive any Pay, Sallary, Fee or Wages, by reason of any Patent or Grant from or under Her Majesty, or any of Her Majesty's Predecessors, or of Her Heirs or Successors, or shall have any Command or Place of Trust from or under Her Majesty, Her Heirs or Successors, or from any of Her Majesty's Predecessors, or by Her or their Authority, or by Authority derived from Her or them, within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, or in the Navy, or in the severall Islands of Jersey or Guernsey, or shall be admitted into any Service or Employments in the Household or Family of Her Majesty, Her Heirs or Successors; or if any Mayor, Alderman, Recorder, Bayliff, Town Clerk, Common-Council-Man, or other Person bearing any Office of Magistracy, or Place of Trust, or other Employment relating to, or concerning the Government of any the respective Cities, Corporations, Boroughs, Cinque-Ports and their Members, and other Port-Towns aforesaid, who by the said recited Acts, or ei-



ther of them, were or are obliged to receive the Sacrament of the Lord's Supper according to the Rites and Usage of the Church of *England*, as aforesaid, shall at any Time after their Admission into their respective Offices or Employments, or after having such Patent or Grant, Command or Place of Trust, as aforesaid, during his or their Continuance in such Office or Offices, Employment or Employments, or having such Patent or Grant, Command or Place of Trust, or any Profit or Advantage from the same, knowingly or willingly resort to, or be present at any Conventicle or Meeting, under Colour or Pretence of any Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of *England*, in any Place within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, at which Conventicle, Assembly or Meeting, there shall be Ten Persons or more assembled together, over and besides those of the same Household, if it be in any House where there is a Family inhabiting, or if it be in an House or Place where there is no Family inhabiting, then where any such Ten Persons are so assembled as aforesaid, or shall knowingly and willingly be present at any such Meeting, in such House or Place as aforesaid, although the Liturgy be there used, where Her Majesty (whom God long preserve) *Catherine* the Queen Dowager, and the Princess *Sophia*, or such others as shall from time to time be lawfully appointed to be prayed for, shall not there be prayed for in express Words, according to the Liturgy of the Church of *England*; except where such particular Offices of the Liturgy are used, wherein there are no express Directions to pray for Her Majesty and the Royal Family, shall forfeit Fifty Pounds, to be recovered by him or them that shall sue for the same, by any Action of Debt, Bill, Complaint or Information, in any of Her Majesty's Courts at *Westminster*, wherein no Essoin, Protection or Wager of Law shall be allow'd, or any more than one Imparllance.

And be it further Enacted, That every Person convicted in any Action, to be brought as aforesaid, or upon any Information, Presentment or Indictment, in any of Her Majesty's Courts at *Westminster*, or at the Assizes, shall be disabled from thenceforth to hold such Office or Offices, Employment or Employments, or to receive any Profit or Advantage by reason of them, or of any Grant, as aforesaid, and shall be adjudged incapable to bear any Office or Employment whatsoever, within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*.

December.

Provided always, and be it further Enacted, by the Authority aforesaid, That if any Person or Persons who shall have been convicted, as aforesaid, and thereby made incapable to hold any Office or Employment, or to receive any Profit or Advantage by reason of them, or of any Grant, as aforesaid, shall, after such Conviction, conform to the Church of *England* for the Space of One Year, without having been present at any Conventicle, Assembly or Meeting, as aforesaid, and receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*, at least Three times in the Year, every such Person or Persons shall be capable of the Grant of any the Offices or Employments aforesaid.

Provided also, and be it further enacted, That every such Person so convicted, and afterwards conforming in manner as aforesaid, shall, at the next Term after his Admission into any such Office or Employment, make Oath in Writing, in some one of Her Majesty's Courts at *Westminster*, in publick and open Court, or at the next Quarter-Sessions for that County or Place where he shall reside, between the Hours of Nine and Twelve in the Forenoon, That he hath conform'd to the Church of *England* for the Space of One Year before such his Admission, without having been present at any Conventicle, Assembly or Meeting, as aforesaid, and that he has received the Sacrament of the Lord's Supper at least Three times in the Year; which Oath shall be there enrolled, and kept upon Record.

Provided, That no Person shall suffer any Punishment for any Offence committed against this Act, unless Oath be made of such Offence before some Judge or Justice of the Peace (who is hereby Empowered and Required to take the said Oath) within Ten Days after the said Offence committed; and unless the said Offender be Prosecuted for the same within Three Months after the said Offence committed: Nor shall any Person be Convicted for any such Offence, unless upon the Oaths of Two credible Witnesses at the least.

Provided always, That this Act, or any thing therein contained, or any Offence against the same shall not extend or be judged to take away or make void any Office of Inheritance; nevertheless so as such Person having or enjoying any such Office of Inheritance, do or shall substitute and appoint his sufficient Deputy (which such Officer is hereby empowered from time to time to make or change, any former Law or Usage to the contrary notwithstanding) to exercise the said Office, until such time, as the Person having such Office shall Conform as aforesaid.



\* Provided always, and be it hereby further Enacted, That no Protestant Dissenter who shall make Oath in Writing, in some one of Her Majesty's Courts at *Westminster*, or at the Quarter-Sessions in the County where he resides, between the Hours of Nine and Twelve in the Forenoon, that he cannot in good Conscience conform to the Liturgy, and receive the Sacrament of the Lord's Supper according to the Usage of the Church of *England*, shall be compell'd or compellable to take, serve, hold or bear any Office or Place whatsoever, for the taking, serving or holding whereof he cannot be duly qualified by Law, without receiving the Holy Sacrament, according to the Usage of the Church of *England*; any Statute, Law, Usage, or other Thing to the contrary notwithstanding.

\* Provided nevertheless, That this Act shall not exempt any Freeman or Member of any Corporation, City, Town, Borough, Cinque-Port, and its Members, or other Port-Towns, from any Fine or Penalty, which by the particular Laws and Usage of that Corporation or Place, is, or may be lawfully set or imposed for refusing any Office or Trust relating to or concerning the Government of the respective Corporation or Place, any thing in this Act contain'd to the contrary notwithstanding.

The Bill being sent to the Lords the next Day, it no sooner came to them, but they laid aside their Debates about the Affairs of *Scotland*, (to hear which Her Majesty was present) and having read the Occasional Bill the first time, Her Majesty continued to hear the learned Speeches made about it, and whether it should be read a second time, and the Question being at length put, there were 51 present, and 17 Proxies against it, in the whole 71; for it 50; so that it was flung out by 21, the Majority encreasing 9 this Year beyond the last, which, indeed, is no Wonder, since Non-Jurors and the Roman Catholics publicly, both by Speaking and Writing, espoused the Bill, as if they had some certain Benefit in View, of which many honest Gentlemen were not aware.

Occasional  
Conformity  
Bill thrown  
out by the  
Lords.

15.

We having towards the Beginning of this History given some Account of the Case of *Ashby* and *White* about the Election of *Ailesbury*, I do not care to say any more of it; only I am necessitated, with Reluctancy, to observe, that the Commons receiving Complaint, that since the Resolution of their House the last Session upon that Case, there had been several Actions brought by *John Paisy*, *John Oviar*, *John Peyton*, *Henry Basse* and *Daniel Horn*, and prosecuted by *Mr. Robert Mead*, an Attorney, against the Constables of *Ailesbury*, for not allowing their Vote in the Election of Members to serve in Parliament, they, on the 5th Instant, committed

*December.* mitted the Five former to *Newgate*, and ordered *Mr. Mead* to be taken into Custody of the Serjeant at Arms; but he had more Wit than to suffer himself to fall into his Hands.

On the 8th, Her Majesty was pleased to give the Royal Assent to the following Bill, *viz.*

*An Act for granting an Aid to Her Majesty by a Land Tax to be raised in the Year One Thousand Seven Hundred and Five.*

And afterwards Her Majesty was pleased to make a Gracious Speech to both Houses; which is as followeth.

*My Lords and Gentlemen,*

Queen's  
Speech in  
Parliament.  
8.

I Am Glad of this Occasion, to return you my hearty Thanks for your making good the Assurances you gave me in your several Addresses, of your Zeal and Readiness to Promote the Publick Business.

And I must Thank you, *Gentlemen of the House of Commons*, in particular, for your Early Dispatch of so great a Part of the Necessary Supplies, which cannot fail of being a very Essential Advantage, both in the Forwardness of our own Preparations, and in the great Encouragement it will give to all our Allies.

*My Lords and Gentlemen,*

I Look upon this good Beginning to be so sure a Pledge of your Affections for my Service, and for our Common Interest, That I have not the least Doubt, but you will Continue with the same Zeal to Dispatch what remains of the Publick Business, and to bring this Session to a Happy and speedy Conclusion.

On the other Side, his Grace the Duke of *Marlborough*, after having been received with all Marks of Respect at *Hanover*, *Amsterdam* and other Places, Embarked in the *Mesle*, the 11th at Night, on Board one of Her Majesty's Yachts, under Convoy of several of Her Majesty's Ships of War; and being come up the River, arrived in *London* on the 14th, and waited upon Her Majesty and his Royal Highness, by whom he was most graciously received.

On the 16th Instant, The Marshal *de Tallard*, with the other *French* Officers that came over with him in the *Kabrine* and *William* and *Mary* Yachts Landed at *Blackwall*; from whence, after having been Entertain'd at Dinner by *Mr. Johnson*, they set out in the Afternoon in several Coaches provided for them, for *Barnet*, in their Way to *Nottingham* and *Litchfield*, where Her Majesty has thought fit they should Reside, *viz.*

At *Nottingham*. The Marshal *de Tallard*. Marquess *de Monperrous*, General of the Horse. Comte *de Blanzac*, Lieutenant-General. Marquess *de Hauteferrière*, General of Dragoons.

December.

W

goons. *Marquess de Valfame, Marquess de Seppville, Mar-  
quess de Sily, Chevalier de Croissy, Marquess de la Valiere,*  
Majors General. *Monsieur de St. Second,* Brigadier. *Mar-  
quess de Vasse,* Colonel of Dragoons. At *Litchfield.* The  
*Marquess de Marivaux,* Lieutenant-General. *Monsieur de la  
Messliere.* *Monsieur Foix,* and *Monsieur d'Amigni,* Briga-  
diers. *Monsieur de St. Maurice.* *Comte de Lionne,* Marquess  
*de Lasse,* Baron d'Elst, *Monsieur de Balincourt,* *Monsieur  
Saulveboeuf,* Marquess de *Montenay,* *Monsieur de Gallart,*  
*Monsieur de Cressy,* Colonels of Foot. *Monsieur de Ligondais,*  
and *Baron de Heyder,* Colonels of Horse. *Monsieur de Prie,*  
and *Monsieur d'Aurival,* Colonels of Dragoons.

Commons  
Thanks to  
the Duke  
of Marl-  
borough.

14.

His Answer.

In the mean time, the Commons unanimously resolved  
on the 14th, to give the Duke of *Marlborough* the Thanks of  
their House for the eminent Services he had perform'd to  
Her Majesty and this Kingdom, as well in the glorious Vi-  
ctories he had obtain'd by the Arms of Her Majesty and  
Her Allies under his Command, as for his prudent Negotia-  
tions with several Princes and States; and having appointed  
a Committee to attend his Grace for that End, Mr. Comp-  
troller reported on the 15th, That they had congratulated  
his Arrival, as they were directed, and that thereupon his  
Grace was pleas'd to say to this Effect: 'It's a great Satis-  
'faction to me to find, that my faithful Endeavours in dis-  
'charging my Duty to the Queen and to the Publick are  
'so favourably accepted. I beg Leave to take this Oppor-  
'tunity of doing Justice to a great Body of Officers and  
'Soldiers who accompanied me in this Expedition, and all  
'behaved themselves with the greatest Bravery imaginable.  
'And I am sure this Honour done us by the House of  
'Commons, in taking so much Notice of it, will give a  
'general Satisfaction and Encouragement to the whole  
'Army.

Lords  
Thanks to  
him, &c.

16.

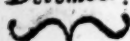
The Lords on their part having likewise, about the same  
time, ordered the Lord-Keeper to give his Grace Thanks  
in their House, he said to him on the 15th, 'My Lord, I  
'am, by Order of the House, to give you Thanks for your  
'great and faithful Services done to the Queen and Nation,  
'the Empire and Allies, to congratulate your safe Return,  
'and to wish you long Life, that by your Conduct *Europe*  
'may be freed from the Chains she has long been fetter'd  
'with by *France*.

Lords Re-  
solves about  
*Scotland.*

11.

The Lords all this while were not unmindful of the Sub-  
ject Matter of the Lord *Haversham's* Speech, but on the  
11th resolved to empower the Queen to treat of an Union  
with the Commissioners appointed by the Parliament of  
*Scotland*, That the Subjects of that Kingdom shall not have  
the Freedom of *English* Men; That none of their Cattle  
should be permitted to come into *England*; That Ships  
should

December.



should be appointed to hinder their Trade with Her Majesty's Enemies, and to prevent the Exportation of Wool till such Union should be made, and the Act of Succession settled there.

These Resolves, which were ordered to be brought into a Bill, and pass'd on the 20th, were seconded by their Lordships on the 21st, with the following Address to Her Majesty.

Lords Address to the Queen about Scotland.

2.

WE Your Majesty's most Loyal and Obedient Subjects, the Lords Spiritual and Temporal in Parliament Assembled, having taken into our Consideration divers Acts of Parliament lately Passed in *Scotland*, and duly Weigh'd the many Dangerous and Pernicious Effects which are likely to follow from thence, as well in respect to the Trade, as to the present and future Peace and Quiet of this Kingdom; have thought our selves indispensably Obliged, in Duty to Your Majesty and our Country, to Proceed in the most Serious and Deliberate manner, to Consider of the best Expedients for Preventing and Avoiding such great Evils.

And as in Order to this End, we are with all Diligence Preparing Bills, which in due time being Offered to Your Majesty in a Parliamentary Way for Your Royal Approbation, We Hope may prove of good Effect; So We think our selves at present bound to Represent to Your Majesty, as our Humble Opinion, that it is highly requisite for the Safety of this Your Kingdom, that speedy and Effectual Orders should be given for Putting the Town of *New-Castle* into a Condition of Defence; And for Securing the Port of *Tinmouth*; As also for Repairing and Strengthening the Fortifications of *Berwick*, *Carlisle*, and *Hull*.

We do likewise Beseech Your Majesty, to cause the Militia of the Four Northern Counties to be Disciplin'd, and to Order the Necessary Care to be taken for Providing them with Arms and Ammunition, that they may be in a Readiness for Service upon Occasion: And we do further humbly Advise Your Majesty, That a Competent Number of Your Regular Troops may be Ordered to be kept upon the Northern Borders of *England*, and in the North Parts of *Ireland*.

We do also humbly Offer to Your Majesty our Opinion, That in the Present Juncture of Affairs, it is requisite Your Majesty should be Pleas'd to Direct the Laws to be Effectually put in Execution against all Papists, and reputed Papists, and all Persons refusing or Neglecting to Take the Oaths to Your Majesty, in respect to their Arms and Horses, and to Order a particular Account of what is done in Execution of Your Commands, to be laid before Your



Your Majesty in Council without Delay; to the End it may appear what Persons have done their Duty therein. *December.*

To this Her Majesty was pleased to Answer.

My Lords,

I shall Direct a Survey to be made of the several Places mentioned in this Address, in Order to lay it before the Parliament. *Queen's Answer,*

What Forces can be spared from their Attendance here, shall be Quartered upon the Borders, as they were last Year, I shall likewise give the Necessary Directions upon the other Particulars of Your Address.

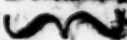
The Lords having the same Day they passed the fore-mentioned Bill about *Scotland*, sent it on the 20th to the Commons for their Concurrence, the Commons were now upon Heads for a Bill to the same purpose, and on the 22d came to several Resolutions thereupon; but the same being not reported till the 11th of *January* in the New Year, we must stop here short with Parliamentary Proceedings, since both Houses adjourn'd now till the succeeding Holy-Days were over.

We shall but just mention, that the Right Honourable *Sydney Lord Godolphin*, Lord High-Treasurer of *England*, was on the 30th install'd Knight of the most Noble Order of the Garter, with the usual Ceremonies. Her Majesty's pious Care and Concern for the Poor of *London*, and within the Bills of Mortality, in this hard Season of the Year, is very remarkable, by Her requiring the Lord Bishop of *London*, and the Lord-Mayor of the said City, to cause Collections to be made on a Day appointed, in all the Parish-Churches, and to use all proper Methods to excite the People to a liberal Contribution for relieving their Necessities; but Time will not give us Leave to dwell on this, we must expedite our Journey once more into Foreign Parts: And first let us visit *Portugal*, where great Preparations were making for relieving *Gibraltar*, and the Earl of *Galloway* had sent Three Officers to acquaint the Landgrave of *Hesse Darmstadt*, that no Time would be lost to relieve him. The said Succours consisting of the Battalion of *English* Guards, with the Regiment of *Barrimore* and *Donegal*, the *Dutch* Regiment of *Waes*, and 500 *Portuguese*, sailed the 10th from the River of *Lisbon*, under Convoy of Four *English* Frigots, but met in their Way the *French* Squadron under *Monsieur de Pointis*, which took Two of the Transports, and obliged the *Roeback* Frigot with Two Transports to return to *Lisbon*. The rest of the Convoy got in safe into *Gibraltar*; but as to the Particulars, and the Progress of that Siege, we shall refer

December. for the Reader to the Two following Letters, written from  
thence by experienced Officers.

A Letter  
about the  
Siege of Gi-  
braltar.

THE Enemy continued this Siege with the utmost Ob-  
stinacy, notwithstanding the bad Weather, and the  
vigorous Resistance of the Garrison. The last Instant a  
Disorder came into this Place, and told us, That it was im-  
possible to express the Misery of the Besiegers, whose  
Trenches are full of Water. The Spaniards being for the  
most part without Shoes, and almost Naked, suffer more  
than the French, and fall Sick apace, and a great many be-  
ing unable to bear any longer that Fatigue, Desert their  
Colours. He added, That they were preparing no  
Mines, nor did Design to Storm the Place, though their  
Army was still 9 or 10000 Men strong, because their Sol-  
diers were discouraged, but that they flattered themselves  
that the French and Spanish Squadron, which was sitting  
out at Cadix, with all Expedition, would oblige the English  
and Dutch to quit the Bay of Gibraltar, and by that means  
they should become Masters of the Place, without any o-  
ther Loss. They have Detached 500 Men from their  
Camp to Cadix, for Manning the French Men of War in  
that Harbour. The Confederate Fleet drew to the Shore,  
which caused a great Confusion into the Camp of the En-  
emy, who fearing they were about to Land some Men, sent  
their Cavalry to the Sea-side to oppose it. This gave an  
Opportunity to the Frigots to salute them with several  
Broad-sides, which killed a great many Men. Admiral  
Leake, having wisely observed this Confusion, sent the 1st  
of this Instant several Long-Boats towards the Shore,  
whereupon the Spanish Cavalry drew up again the same  
Way, and were considerably annoy'd by the Seamen, and  
the Cannon of the nearest Frigats. The Centurion came in  
the 3d. from Cruising, and brought in with her a French  
Prize of 28 Guns, richly laden from Martinica: The Cap-  
tain reports, that he went in as far as he could into the  
Bay of Cadix, and observed that the Enemy were sitting  
out their Men of War, with all Expedition, and that 19  
Ships had already their Masts and Yards up. The same  
Day Admiral Leake sent his Boats again towards the Shore,  
and having brought his Frigots nearer, we had the Diver-  
sion to see the Spanish Cavalry scamper. The same Night  
a strong Easterly Wind began to blow, and continued the  
4th and 5th, with a terrible Violence, and the Sea ran  
so high, that there was no manner of Communication be-  
tween the Town and the Fleet, and some Ships lost their  
Anchors, but had no other Damage. The Enemy suf-  
fer'd likewise very much at Land, for this Tempest be-  
ing attended with great Rains, we could perceive from



the top of the Mountains, their Works almost filled up, tho' their Forces were chiefly employed in taking out the Water, and making Ditches to drain them. The last of November, the Prince of *Hesse Darmstadt* caused an exact List of all the Sick and Slain to be brought to him, since the Beginning of the Siege, viz. the 25th of *October*, and thereby it appeared, that we had to that Day 87 kill'd, 189 wounded, besides 337 Sick; but all possible care is taken to Recover the latter. 'Tis impossible to express the Care and Fatigues of his Highness, who on the other Hand, cannot sufficiently commend the Zeal of Colonel *Borr*, who on all Occasions shews himself ready to ease that Prince as much as possible. His Highness Praises very much the Bravery and Vigour of all the other Officers and Soldiers, and will not fail to give a just *Encomium* of the *English* and *Dutch* Admirals, who have hitherto by their Prudence and good Correspondence with the Landgrave, frustrated all the Designs of the Enemy.

The other runs thus :

Three Officers dispatch'd by the Earl of *Galloway* arrived here the 14th, about Four in the Afternoon, having narrowly mis'd being taken by a *French* Privateer, who pursued them to the Mouth of our Bay; and as they declared at their Landing, that the Succours might be expected in 2 or 3 Days, they were receiv'd with great Huzza's, which caused some Commotions in the Camp of the Enemy. They immediately delivered Letters from the King of *Portugal*, my Lord Ambassador *Metbuen*, and my Lord *Galloway*, to the Prince of *Hesse Darmstadt*, who caused the same to be read publickly before the Officers and Soldiers, which proved such an Encouragement, that many, who were almost dishearten'd by their great Fatigues, recover'd in some measure their Courage, and did the Service as before. A Signal was made for the Squadron under Sir *John Leake*, who having receiv'd Advice, that Monsieur *de Pointis* was coming out of *Cadiz*, had thought fit to leave the Bay, and stand to the Eastward in sight of this Place, that he might be enabled to take such Measures as should be thought necessary. A Felucca was also dispatch'd to the Admiral with Letters from my Lord Ambassador *Metbuen*, importing, That the Succours being ready to sail from the River of *Lisbon*, it was necessary he should come back towards *Lagos* to receive them. The Admiral having receiv'd that Advice, made all possible Efforts to repass the *Streights*; but a strong Westerly Wind prevented it, which has continued ever since. Mean time, the Prince of *Hesse* redoubled his Diligence for preventing the Designs of the

Another about the same.

24.

Enc-

December.

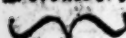
Enemy, and spends all the Days of the Week, and most part of the Nights in the Covert-Way. This Example had so good an Effect, that the Garrison has done more than could be humanly expected; and the *English* Marines have gain'd an Immortal Honour. The Enemy have continued to Fire briskly from their great Battery, which has dismounted above 40 Pieces of our Cannon, ruined the Parapet of the Courtine and the Face of the Bastion of the Sea, and that of the Bastion of the Mountain. They have made a Breach in the former, and likewise in the Courtine, which they might have mounted by favour of the Stones and other Rubbish beat down by their Cannon, had not the Garrison been very careful to carry off the same. These Materials have been very useful to make a Work in the Ditch for the better Defence of the Foot of the Breach, which is yet about Eight Foot high, of a very solid Work, which the Cannon of the Enemy cannot reach. We have besides a double Row of strong Pallisadoes in the middle of the Ditch, parallel to the Courtine, and before the same we have made a sort of a Ditch, which is filled by the Tide, and wherein we keep the Water. All these Works cannot be batter'd by the Cannon of the Enemy, till they have lodged themselves on the Covert-Way, but there we have a great Mine ready, consisting of Four large Chambers, which extend to the Right and Left of the Grand Gallery leading to the Ditch. The Mine cannot fail of doing great Execution, in case the Enemy attempt to lodge themselves on the Covered-Way. They seem to have altered their Designs, and threaten to attack a long Line we have on the Declivity of the Rock on our Right, at the End of which we have made Four several small Intrenchments, and Three Batteries of Two Pieces of Cannon each, which Flank the Avenues of our *Glacis*, and overlook the advanced Works of the Enemy; but those Intrenchments being made on the Rock, and the Avenues thereunto very narrow, we cannot believe that they dare attempt to attack that Post. Deserters confirm, That their Troops are very much discourag'd, and that they lose a World of Men. They add, that their Troops begin to want Ammunition, and that the greatest part of their Cannon and Mortars are spoiled, the Touch holes being so wide, that they are almost unserviceable. This Report is easier credited, because they throw for some Days since but very few Bombs, and their Batteries do not fire so briskly as before. On the 18th, when we despair'd almost of any Assistance, several Ships came into the Bay, which were follow'd by some others the 20th, having the so long expected Succours on Board, except some few Companies that are not yet arrived. They report, that they sail'd from *Lisbon* the 10th Instant, under

'Con-



'Convoy of Four *English* Frigats, and thought themselves  
 'safe when they discovered off of Cape *Spartel* 24 Men of  
 'War with *English* and *Dutch* Colours, which they took  
 'for Vice-Admiral *Leake* and Rear-Admiral *Vander Dussen*,  
 'whom they expected to meet thereabouts. They advanced  
 'to join them, but by good Fortune they were becalm'd.  
 'They put their Boats to Sea on both Sides to tow the Ships,  
 'but the *English* observing, that the Men of War stretch'd  
 'themselves, and endeavour'd to make a Half-Moon to  
 'surround them, they made a private Signal, which Sir  
 '*John Leake* would have understood. This spoil'd the  
 'Measures of the *French*, who were thereby discover'd, and  
 'put up their Colours, and endeavour'd to fall upon the  
 'Transports, but they got off by means of their Oars;  
 'and the Night coming on, they got away by favour of a  
 'small Breeze from the South West. There are still Four  
 'Ships missing, but they are supposed to be return'd to-  
 'wards *Lagos*, except one, which had on Board Three  
 'Companies of *Barrimore*, which is thought to be taken.  
 'Tis fear'd another has been stranded on the Coast. The  
 'whole Battalion of Guards is arrived, except Two Colo-  
 'nels, who were on Board of one of the Frigats, which is  
 'not yet come in. Notwithstanding this unhappy Accident,  
 'we have received 1970 Men, so that our Garrison consists  
 'of 3000 effective Men, besides Officers. These Succours  
 'came very seasonably, for we had in this Place some se-  
 'ditionous Persons, who made it their Business to discourage  
 'the Garrison, and would induce them to present a Petition  
 'to the Prince of *Hesse* to surrender. This People were  
 'brib'd by the Marquess *de Villadarias*, as it was discover'd  
 'by a Letter which was intercepted; whereupon his High-  
 'ness caused a *Spanish* Colonel and a *Walloon*, with some o-  
 'thers to be seized, as also a Priest, who conveyed the  
 'Letters. This has broke the Intrigues of the Enemy, who  
 'seemed chiefly to rely upon the success of this Treachery.  
 'Last Night 200 Men sallied out to level Two Lines the En-  
 'emy had made at the Foot of our Glacis before their Grand  
 'Battery, which Service was done without any other Oppo-  
 'sition than the Fire of their Cannon, whereby Four Men  
 'were killed and Three wounded. We burnt their Gabions  
 'and levelled those Lines under their Nose, and shall visit  
 'them more frequently. The almost miraculous Escape of  
 'our Transports is much taken notice of, and Monsieur *de*  
 '*Pointis* will hardly clear himself on that Point, if his Con-  
 'duct and Management is enquired into. The *Spaniards*  
 'expect a Re-inforcement, and give out, that they will  
 'continue the Siege.

December.



Sally out  
of Verue.  
26.

This Siege not terminating with the old Year, if we look into *France*, we find nothing there, besides the admirable Diligence used in remounting their Cavalry, and recruiting their Armies, but the Swarming of Edicts, one of which of the 9th was designed to draw the Money of *France* into the King's Coffers in Exchange for Bills; the Business of another of the 13th was to draw the Money of *Lorain* into *France*; and a Third containing some new Regulations about those that make Profession of the Long Robe, to prevent their treating Persons injuriously, they little affect us; and we'll pass now to *Italy*, and there passing over the *French Journal* of the Siege of *Verue* for this Month, we'll content our selves with observing, that on the 26th, the Sieurs de *Chartogne* and d' *Immeccourt*, and the Count de *Maulevrier-Langeron* mounted the Trenches, and the Duke of *Vendosme* went into them, and having view'd all the Works retired; but he was hardly out of them the Distance of a Musquet-shot, when he heard a great Noise in them, and saw the advanced Guards retiring before a Body of Foot and Horse, which was come out of *Verue* on the side next the *Pi*, and was marching towards the Trenches. He presently judged the Enemy had not ventured to come out in that manner, with less than their whole Army; and therefore instantly gave Order for the Brigades nearest the Trenches to advance. The Enemy being favoured by a thick Fog, were indeed come out with almost all their Troops, Part of their Horse came through the Meadow above *Verue*, and the rest got into the Valley to make a Diversion and favour the Retreat of their whole Body. The greatest part of their Foot attacked the Trenches in Front, on the Two Flanks, and in the Rear; and the rest marched towards the Batteries placed on the Brow of the Hill *Guerbignan*, and made themselves Masters of them. The Guard of the Trenches, by reason of the narrowness of the Attack, consisted but of 350 Men and Six Companies of Granadiers. The Sieur de *Chartogne*, who commanded the said Guard, detached the Count de *Maulevrier* with 100 Men to reinforce the Guard of the Batteries, and posted himself with the Granadiers in the Centre of the Trenches to stop the Enemy. But after he had made all the Resistance possible, he was wounded and taken with Six other Officers, and the Sieur d' *Immeccourt* Marshal de Camp and Major General was killed with Two other Officers. Mean time the Duke of *Vendosme* who was gone towards the Hill of *Guerbignan*, put 25 Soldiers that rallied near him into a little Fort called the *Corniebon*, to make a Stand against the Enemy. The Marquess de *Bezons*, who followed him, crying out to the Soldiers, who retired out of the Trenches, That the Duke of *Vendosme* was there; they all flock'd thither, and were join'd by the Brigades of *Lionnois*,  
Ma

*Marine, Maulevrier, Lewville, and Normandy.* The Guard of the Trenches returned headlong into them, the Brigade of *Lionnois* beat the Enemy from the Old Batteries, and the Marquis *de Guersby* pursued them on the Right Sword in Hand at the Head of Two Companies of Granadiers. The other Brigades cut off the Enemy on the Left, so that they were forced to retire by the Breaches of the Trenches. They were followed, and thereby suffered great Loss, to the Covert-way, and into the Ditch, where above 200 of them were killed. They were likewise driven Sword in Hand from Two Lodgments on the Counterscarp, in which they thought to maintain themselves. The Fight lasted an Hour and a Quarter; in it the Enemy had above 400 Men killed, 100 made Prisoners, and 20 Officers killed or taken. They had not time to fill up the Trenches and ruin the Works, and did but imperfectly nail 22 Pieces of Cannon and 12 Mortars; so that they made a very great Fire the 27th, 2 Cannon and 1 Mortar excepted, which were to Fire the 28th, 400 Horse supported by 2 Companies of Granadiers, passed 2 hollow Ways to attack the Enemies Cavalry, which were advanc'd near to our Head Quarters, and obliged them to retire with the Loss of 20 Men and 20 Horses.

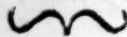
Having given you this Account of the *French* about this notable Action; its fit you should also take that of the Confederates along with you, in the Copy of a Letter sent to the States-General of the *United Netherlands*, from Monsieur *Vander Meer*, their Envoy at *Turin*, the 31st.

#### *Highb and Mighty Lords;*

**H**IS Royal Highness being perfectly well informed of the Condition of the Enemy's Attack, caused the greatest part of his Infantry to pass the *Po*, on Friday last the 26th Instant in the Afternoon, and Commanded 1000 Foot led by Count *Maximilian de Staremberg*, Major General of his Imperial Majesty's Troops, and the Baron *de St. Remy* a Colonel, to march through the Two Valleys and possess themselves of the Rising Grounds before *Verue*, and then to attack the Enemy in their Trenches. And this Design was so well concerted and executed, that the Enemy were at once attacked in Front, Rear, and both Flanks; and with such Success, that after a vigorous Resistance they were obliged to abandon their Trenches and escape as well as they could; our Men presently seized all their Batteries, burnt what was combustible, nailed their Cannon that were on the Battery on the Counterscarp, and Four Mortars, broke all the Carriages of their Artillery, spoiled the Galleries of their Mines and filled up the Mouths of them, and so much of the Trenches as 'twas possible to do with 350 Men; but not being provided with all materials neces-

M. Vander Meer's Letter about *Verue*.

31.

*December.*  sary for nailing the Artillery placed on the most remote Batteries, they did what Damage they could to them, and rendered them unserviceable for a Time; the meantime the Alarm being spread through the Enemy's Camp, the Duke of Vendosme caused the Piquet to advance, but they were repulsed, as the Guard of the Trenches had been. At the same time that our Infantry attacked the Trenches, his Royal Highness caus'd all his Cavalry to march from Perclongo and pass the Po at a Ford near the Mouth of the Dora, under the Command of General Fels, who ordered Count Breyner, Colonel, with 200 Men, to attack the Duke of Vendosme's Quarter. The advanced Guards were put to Flight, and 40 Men were cut down, but Count Breyner could not push the Enemy further, because of an Intrenchment defended by 1000 of their Foot. While this was doing, our Ordinary Horse Guard attacked the Quarters of the Spanish Troops, to give the Enemy Diversion on all Sides. All which succeeded so well, that after our Troops had executed what was concerted and the Orders that were given, they retired in the Night into Verue, and to their former Quarters. We know not yet what the Enemy's Loss was in this Action, but we took Prisoner Monsieur de Chartogne, Lieutenant-General, who died Yesterday of his Wounds; a Lieutenant-Colonel, Two Majors, Two Captains of Granadiers, and Three other Officers. And we are informed Monsieur d'Imecourt, was killed in this Action, with one of the principal Officers of the Artillery. On our Side we have lost the Lieutenant-Colonel of the Regiment of Lorain, the Major of the Regiment of Straßemburg, a Captain of that of Taun, and Two Captains of the Troops of his Royal Highness; Baron Gorts, and Hamilton, Adjutants General of his Imperial Majesty's Troops were wounded: The Number of the killed, wounded, and Prisoners, on our side, amounts to about 200 Men. This Action which may be called a very glorious one, has caused extream Joy here. And we believe the Enemy cannot repair their Works under a Fortnight. Notwithstanding which, they begun Yesterday to Fire anew with some small Pieces of their Battery that is on their Counter-scarp. During this Action, his Royal Highness was in Verue, giving the necessary Orders. Monsieur Belcastel who was with him, and who arrived here Yesterday, will probably, send your High Mightinesses a particular Account of all that pass'd.

*High and Mighty Lords, &c.*

Sign'd,

*Twin, Dec. 31. 1704.*

*J. Vander Meer.*



I will not pretend to determine the Fate of this Siege of *December*.  
*Vercé*: It's remarkable, that this Place in 1625, in the Winter Season, was besieged by *Feria*, Governour of *Milan*, with a great Army, and tho' then but very weak, yet *Charles Emanuel*, Duke of *Savoy*, encamping with his Troops at *Crescentino*, and laying a Bridge of Boats over the *Po*, as his Great Grandson now has done, he found the *Spaniards* so much Work, and the Place made so long and gallant Resistance, that *Feria*, after he had lost the best part of his Army before it, and been attack'd in one of his Quarters by *Charles*, in a Manner not unlike the Sally we have already mention'd, was forced to draw off in the Night and quit it: I should also have observed, that it had at first but Three Hundred Men in Garrison, till the brave Prince *Thomas of Savoy*, the Grandfather of the Famed Prince *Eugene*, had the Dexterity to throw a Thousand more into it.

We'll leave *Italy*, and find Things so far from being accommodated in *Hungary*, that General *Heister* being join'd the first Instant by all the Imperial Troops that were expected to reinforce him, marched towards *Bosing* the 22d, near which Place they perceived 3000 Horse of the Malecontents. The General advancing against them with his Vanguard, caused Two Cannon shot to be made at them; one of which killing a Colonel of the Malecontents, the rest fled. In the Evening the *Imperialists* entred *Bosing*, having by the Way made themselves Masters of a Place called *St. George* and put the Malecontents they found in it to the Sword. The 23d the Army lay still, to give some rest to the Cavalry, part of which having marched hard several Days together was much fatigued. That Day the General received Intelligence that the Malecontents had drawn most of their Troops into a Body, and were resolved to stand a Battle with him. The 24th the Army leaving their heavy Baggage at *Bosing* marched to *Modern*. The 25th they advanced to *Resenthal*, Battle of  
a Village within a League of *Tirnav*, encamped there, and *Tirnav*.  
had Intelligence brought them that the Malecontents were 26.  
not far off. The 26th as soon as it was Light the Army marched on in Two Columns, the Troops being disposed in the same Order they were to fight in. They marched about a Mile and a Half, and were in Sight of a Village call'd *Batzmariz*, when a Party of *Hussars* sent out to get Intelligence, gave Notice that the Malecontents were on the other side of that Village. General *Heister* caused the Army to move forwards on the Left of the Village, just beyond which appeared 3000 of the Malecontents Commanded by Count *Berzeni*; and not much farther the main Body of the Malecontents, commanded by Prince *Ragotzi*, stood drawn up in Order of Battle on a rising Ground; and the 3000 Men  
with

*December.* with Count *Berezeni* retired to them. The *Imperialists* advanced towards them, but having Two Ditches that were frozen over, and also a Bridge to pass, they could not form themselves into a proper Order of Battle, before the *Malecontents* Charged them; at the same time so thick a Snow fell that they could hardly see 200 Paces before them. The *Imperialists* moved on the Left towards *Tirnav*, with Design to present their Front to the *Malecontents*; but their Left Wing was attacked in Flank by several Thousand Horse, before half their Line had passed the Two Ditches. Their Cannon fired upon those Horse and made them retire. Then the whole Line of the *Imperialists*, passed the Ditches, and advanced near the Enemy, who were drawn up close in one Line twice as long as that of the *Imperialists*, and in the Form of a Half-Moon. They had the advantage of the higher Ground, and the Wind drove the Snow in the Faces of the *Germans*: They first fired upon the *Imperialists* with Fourteen Pieces of Artillery, which were levelled against their main Body; and then fell upon them in that Part with the choicest of their Infantry: The Battalion of *Wolfsen* after they had made one Discharge, gave way before them, as did also a Squadron of *Silesian* Recruits. Some of the *Malecontents* *Granadiers*, who were *French* Men and 120 in Number, with 400 Foot and several Thousand *Tolpazes*, pushing forward killed many of the *Imperial* Foot that retired disorderly before them, and made a great Slaughter among the Servants and others that followed the *Imperial* Army and were behind the main Body with the Ammunition and Baggage Waggon.

At the same time, some of the best of the *Hungarian* Horse attacked the other Right Wing in Flank, and broke into it in Two Places; doing great Execution upon the Battalion of the great Master of the *Teutonic* Order, the Lieutenant Colonel of which Battalion, Baron, *Wachtendonk*, was mortally wounded. The *Hungarians* having thus broken into the Right Wing, and separated one part of it from the other, were in a fair Way to carry the Victory; but their Right Wing did not attack the others Left, with that Success their Left and Center did the Right and Main Body: The Regiments of *Curassiers* of *la Tour*, *Cusani* and *Barenth*, posted on the *Imperialists* Left, sustained the Charge of the *Hungarians* Cavalry Manfully, and repulsed them so vigorously, that 1000 of them being killed, the rest fled; Whereupon their Foot being exposed fell into Disorder, and a general Rout quickly ensued 3000 of the *Malecontents* were killed. It was in vain for any Person that was discovered to be a *German*, *French* Man, or other Foreigner to beg Quarter: all such were put to the Sword. Only Monsieur de *Verville*'s Character saved him, for he was spared upon his crying out

that he was an Envoy to Prince *Ragotzi* from the King of *France*, and *Monsieur de Coulon* the *Bayarian* Envoy to that Prince was killed in the Fight. Among the Malecontents was a Battalion of *French*; of whom few, if any, escaped out of the Battle. The *Imperialists* took Seventeen Pieces of Cannon and Two Mortars, Prince *Ragotzi*'s Baggage, and 51 Standards or Colours. In the Heat of the Fight, a Battalion of *Germans*, Deserters and others, whom the Malecontents had forced into their Service, came over to the *Imperialists*, and facilitated their Victory. The *Germans* lost but 4 or 500 Men in this Action: Prince *Ragotzi* retired from the Battle to *Leopoldstadt* with a few Troops, and summoned the Governour of that Place (which had been Blocked up a long Time, and was lately Besieged in Form by Prince *Ragotzi*, who left some Forces before it, when he joined the Counts *Berezeni* and *Esterhazy*, and made up the Army that was Defeated at *Tirnavu*,) to surrender; telling him General *Heister*'s Army was routed. But that Trick not passing upon the Governour, the Prince broke up the Siege, and leaving behind him Ten battering Pieces and Seven Mortars, retired to *Nisria*, Whither the Counts *Berezeni* and *Esterhazy* repaired to him with the Troops that they brought off from the Battle.

The Evening after the Battle, General *Heister* enter'd *Tirnavu* with some Troops, at the Request of the Magistrates and Inhabitants of that Town; who had sent out Deputies to him to beg his Protection, and to assure him it was through Constraint they had been of the Party of the Malecontents. *Esperies*, *Zatmar*, and *Erla* had surrendred to the Malecontents before this Battle was fought, which in all Probability, and by the Consequences of it was not so advantageous as the *Imperialists* made it.

We shall not at this time enter upon a Disquisition of the Affairs of Religion in *Germany*, where the King of *Prussia* began vigorously to shew himself concern'd in Favour of the Protestants; since Time alone must determine the Event; but return Homewards by the Way of the *Moselle*: We have already spoke of the Siege of *Traerbach*, which was carried on with much Vigour, as appears by this Letter of the Baron de *Trogne*, who acted there as chief Engineer to the States-General.

High and Mighty Lords,

Notwithstanding we have used all possible diligence, we were not able to perfect our last Batteries to batter the Gate and Walls between the Towers till the last Night, but now this Siege cannot continue much longer. We have erected a Battery within Twenty paces of the Gate of the first Work, which will begin to fire to Morrow

*Monsieur de Trogne's*  
Letter to  
the States  
about  
*Traerbach*

9.

Morn.

*December.* Morning, and if the Enemy do not submit shortly, they are like to have an ill time on't. I desire your High Mightinesses to remember that I am in Germany, and that in this Country one cannot do what he pleases. We have lost Director *Woeffenboven*; and to do Justice to his Memory, I must say, that on all Occasions he has shewed himself a Man of Courage, and never scrupled to go where-ever he was commanded. I am, &c.

*From the Camp before Traerbach, Dec. 9.*

Sign'd,  
*De Trogne.*

These in all probability were the last Words the gallant Man wrote; the following Letter, dated the very next Day, giving the States an Account of his Death.

*High and Mighty Lords,*

Prince of  
*Hesse's* Letter to the  
States about  
*M. Trogne's*  
Death.

10.

**I**N a Letter dated the 8th Instant I had the Honour to acquaint your High Mightinesses with the Progress of this Siege, and how we had taken Post near the Ditch and the Gate of the Castle. The Enemy being sensible of our Design, made all imaginable Efforts to hinder the raising of a Battery there, and in order thereunto made a continual Fire, with Bombs, Granadoes and Small-shot, whereby we lost several Men, and were obliged to spend a longer time than is usual for raising that Battery; but however, we shall begin to fire from it to Morrow. I must own to your High Mightinesses, than I am very much dissatisfied with the Delay of this Siege, wherein several worthy and brave Officers have done their utmost to bring it to a speedy Conclusion; but as nothing has been omitted to put this Place in a Condition to make a vigorous Defence, and that its situation has given us a World of Trouble, we must be contented to do what can be done. This Day about Noon I went to the Battery, to encourage and further the Work, and there I found Brigadier *Trogne* extraordinary busy, and exposing himself much more than an Officer of his Rank ought to do. I thereupon desired him not to be so prodigal of his Life; But I was not above 200 paces off when I heard the sad News of his being killed with a Musquet-shot as he was looking over one of the Guns of our Battery into the Ditch, to shew the Miners the place he Designed to fix them to. I cannot sufficiently express to your High Mightinesses the grief I have for the loss of that worthy Gentleman; and I may truly say, that the Publick loses one of the most zealous Officers they ever had, who constantly attended the Service. I have had likewise the ill fortune to lose on the same Occasion Captain *Woeffenboven*,

an



an Engineer in the Service of your High Mightinesses, whose care and Application I have been very much satisfi'd with, and whose Death I very much regret, I hope God will shortly grant me an Opportunity to acquaint your High Mightinesses with more acceptable News. I am, &c.  
December 10.

Frederick, Prince of Hesse.

However, this brave young Prince, not discouraged with the loss and Disappointments he met with, vigorously pursued the Siege, and having brought the Garrison to capitulate by the 18th, he gave this Notification of it to the States, as the Baron d'Almelo did by that which succeeds it.

High and Mighty Lords,

I Have the Honour to send to your High Mightinesses the Bearer hereof, my *Aid de Camp*, Colonel Baron *Seyboldsdorf*, to inform you that after a pretty long and obstinate Defence, the Commanding Officer of the Castle of *Traerbach*, (having seen that we were making a Line upon the Bank of the Ditch, in order to remove thither a Battery, which before we had performed that difficult Work, could not reach the Foot of the Bastion that covers the old Wall, to compleat the Breach ; ) beat a Parley to Day about Four a Clock in the Afternoon, when Major General *Verschuur* was in the Trenches, giving Directions for the Cannon to be drawn to the Place I have mentioned.

Another about the Capitulation of *Traerbach*.

We have exchanged Hostages, in order to come to an Agreement on the Articles of Capitulation the Garrison demands ; and of which I shall have the Honour to give your High Mightinesses a more ample Account, as soon as they are adjusted. In the mean time I do from the Bottom of my Heart congratulate you, on the happy Issue of this Expedition ; beseeching the Divine Providence to vouchsafe to Prosper your Victorious Arms, for the good of your Illustrious Republick, and the entire Re-establishment of the Common Cause. At the repeated Instances of the Inhabitants of *Traerbach*, I shall put in a *Hessian* Regiment to Garrison it, which your High Mightinesses will please to approve.

I cannot with sufficient Praise acknowledge the most zealous Assistance I have had from the Deputy of your High Mightinesses, the Baron d'Almelo, in so troublesome an Affair as this Expedition : For which the Publick is highly obliged to him ; and for which I my self am peculiarly beholden to him. I am with inviolable Affection, &c.

Sign'd,  
F. P. de Hesse.  
High

December.

Almelo's  
Letter a-  
bout the  
Surrender of  
Traerbach.  
18.

*High and Mighty Lords!*

OUR Men having thrown up a Line last Night along the Ditch, in order to raise a Battery there for making a Breach in the Wall, which lay open to the View from the Top to Bottom, the Garrison of *Traerbach* beat a Parley this Afternoon between 3 and 4 a Clock; Whereupon, Hostages being given on both sides, the Garrison have sent out their Capitulation they demand; containing among other Things, that they shall be allowed to march out with all Marks of Honour, which is granted them; as also that they shall carry out with them Two Iron Guns, and Two covered Waggons, with their Baggage, and be conducted in Six Days to *Thionville* by the nearest Way; the Garrison is to march out the 20th, I most heartily congratulate your High Mightinesses, on this happy and glorious Success, and on the Successes of the whole Campaign, &c

*From the Head Quarters at Enkirchen, before Traerbach, Dec. 18. 1704.*

Sign'd,  
De Recheteren.

The Garrison which from 500 Men was diminished by the Siege to 250, Marched out the 20th, pursuant to the Capitulation, with Arms and Baggage, Drums beating, Match lighted, Ball in Mouth, Colours flying, and Two Iron Cannon, to be Conducted up the *Moselle* to *Thionville*. Their Cannon and Baggage came out at the Gate, but the Officers and Soldiers marched out at the Breach; tho' most of them were forced to Squat down on the Edge of the Breach and thence slide off to the Bottom; for the Declivity was so steep they could not walk down. The *French* say, they had stood Three General Assaults, that the Governor and Major were killed, and the Men lessen'd from 500 Men to 300. That the Allies suffer'd greatly before it; lost above 1500 Men, and all their Ingeniers but Two, and spent so much Ammunition that they were obliged to send for new Supplies twice.

The States having congratulated the Hereditary Prince of *Hesse* upon his Success in the Reduction of *Traerbach*, we have nothing more to add, but heartily to facilitate the whole Body of the most serene Allies upon the glorious and even unparallel'd Successes of their Arms during the Course of so long a Campaign, and to wish them yet greater Prosperities in those that shall succeed, in order to a firm and honourable Peace.

## Additions to the Remarkables of the Year, 1703.

ON the 26th Instant Dr. *Richard Kidder*, together with his Lady, was unhappily slain in his Bed, by a Stack of Chimneys that broke into his Chamber, at his Palace at *Wells*, occasion'd by the most tremendous Storm that ever happen'd, not only in the Memory of any one living, but scarced to be paralell'd in any History, ancient or modern. He was a *Suffex* Man by Birth, and a Student in *Emanuel* College at *Cambridge*, where he proceeded in the Degrees of Arts, and, with several others, on *July* the 13th, 1658, was incorporated into the University of *Oxford*, after the Solemnity of the A&T was finished: He afterwards became Rector of *St. Martins Outwich* in *London*, was install'd Prebendary of *Normich* (in the Place of *Hezekiah Burton*, deceased) *Sept.* 16. 1681, being then Doctor in Divinity; Dean of *Peterborough*, in the Place of Dr. *Simon Patrick*, promoted to the See of *Chichester*, Anno 1689, and at length became Bishop of *Bath and Wells*, upon Dr. *Thomas Ken*'s refusing to take the Oaths to King *William III.* and Queen *Mary*, to which he was Nominated about the 14th of *June*, 1691, upon the Refusal of it by Dr. *William Beveridge*: And on the 30th of *August* following was consecrated thereunto, in *Bow Church*, by the Arch-bishop of *Canterbury*, the Bishops of *Sarum*, *Winchester*, *Normich*, and *Gloucester*. He is since succeeded in that See by Dr. *George Hooper*, to which he was translated from *St. Asaph*. He writ, 1. *The Young Man's Duty; a Discourse; shewing the Necessity of Seeking the Lord betimes; as also, the Danger and Unreasonableness of Trusting to a Late or Death-Bed Repentance; design'd especially for young Persons, before they are debauch'd by evil Company, and evil Habits*, Lond, 1653. The Sixth Edition was published in 1690. 2. *Convivium Caeleste: A plain and familiar Discourse concerning the Lord's Supper; shewing at once the Nature of that Sacrament, as also the right Way of preparing our selves for the Receiving of it*, Lond. 1674. And afterwards with Additions. 3. *Charity directed; or, the Way to give Alms to the greatest Advantage: In a Letter to a Friend*, Lond. 1670. 4°. 4. *The Christian Sufferer supported; or, a Discourse concerning the Grounds of Christian Fortitude; shewing at once, that the Sufferings of good Men are not inconsistent with God's special Providence*, Lond. 1680. 8°. 5. *Reflections upon a French Testament, printed at Bourdeaux, pretended to be translated into French by the Divines of Lovain*, 1691. 4°. He also publish'd several Sermons upon various Occasions, among which

November.

The Bishop  
of Bath and  
Wells's  
Death.  
29.

*November.* he has one occasion'd by the Death of Dr. *Horneck*; together with his Life. But the most Considerable of his Works, is his Comment upon the *Pentateuch*, or Five Books of *Moses*; this Pious and Learned Bishop being a great Master of the *Hebrew* Tongue in particular. I had almost forgot his *Mesfiab*, in Two Volumes, *Octavo*; as also, that he published all Dr. *Lightfoot*'s Works in *Folio*.

*December.* On the 29th Instant died *Mustapha*, eldest Son to *Mahomet* IV. Sultan of the *Turks*: He succeeded his Uncle *Achmet* II. in the Empire, *Jan.* 27. 1695, at a Time when the Government, by reason of the great Losses sustain'd in *Hungary*, and elsewhere, was at a very low Ebb of Fortune: But this Prince gave early Proofs of his Martial Spirit, and Inclinations to good Government; telling the Grand Visier at the Inauguration of him, *That he should be careful what he did; that he should treat his Soldiers well; and above all to be sure to tell him the Truth; and if not, he should know and be sensible of what should follow.* He had the good Success in the Beginning of his Reign, to beat the *Venetians* in Two Engagements at Sea, and to recover the Isle of *Scio*, taken from the *Turks* the preceding Year, by the Troops of that Republick; and to carry on the War in *Hungary* and elsewhere, with Vigour, he levied vast Taxes. And when the Visier representing to him the Impossibility of making a Donative to the Soldiers, of Twelve Millions, whenever the Grand Seignior made his first Campaign: He answered, *He did not think himself obliged to a Custom begun in the most flourishing Times of the Empire, those Days being now past; and that it would be an Insolency in the Soldiery to expect a Donative from him, who was not in the least beholden to them for his being placed on the Throne, to which he came by Succession; and that whoever had opposed him therein, would have been guilty of Treason, and ought to die by their Law.* *Mustapha* having said this, made some good Regulations concerning the March and Disposition of his Army, took the Field in Person: The first Thing his Troops did, was to take the *Palanca* of *Lippa* by Storm; then directing his March for *Transylvania*, he fell with his whole Power upon a Body of 6500 Men only, under the brave *Veterani*; who, notwithstanding the incredible Bravery they shew'd against so unequal a Match, were at last, with their General, in a manner, all cut in Pieces. This Success of his was attended with the Taking of *Titul*; soon after which *Lugos* and *Carensebes* fell into his Hands. All which so enhaunted his Reputation, that he gain'd a mighty Esteem among the Grandees of the Empire, both Military and Civil. In his return Home through *Wallachia*, he order'd his Soldiers to keep exceeding strict Discipline; And the Multitudes of People, that

*Sultan Mustapha's Death.*  
29.



from all the adjacent Countries came to see his Triumphant Entry into *Adrianople*, wept for Joy, saying, *That the Time was now come, when God would avenge himself upon the Christians for their Pride; and would for the future blind them in their Designs, and insatuate them in all their Councils.* Tekely was much neglected by this Sultan; to whom the *Arabs*, in the Province of *Bazora* in *Asia*, were very troublesome about the Year, 1696. His Troops likewise receiv'd a notable Defeat from the *Venerians*, who advanced against them as far as *Thebes*, and committed great Spoil in the Country. The Taking of *Asoph* by the *Muscovites*, after 57 Days Siege, though a great Mortification to the Sultan, yet he took the Field with an Army of 100000 Men, and fearing the *Germans*, under the Elector of *Saxony*, should attack *Temeswar* in earnest, they engaged in a bloody Battle at *Olasch*; and after all, both came off with uncertain Victory. The *Persian* Embassie, and costly Presents made to *Mustapha*, upon his return Home from the Campaign, were very grateful to him; And the *French* Intreagues still prevail'd much in his Court, against his making a Peace with the Emperor: And *Mustapha* had the Ambition in 1697, to do more than any of his Predecessors, which was, that all Gold and Silver should pass under his Name, within his Empire. His Troops in *Bibatz* made so noble a Resistance against the *Germans*, that the latter were forced to quit the Siege. The Defeat the Sultan received upon the *Theisse*, near *Zenta*, by the *Imperialists*, under the brave Prince *Eugene*, will never die; for never in the Memory of Man was it known, that Five Viziers fell in one Battle, among whom was the Grand Vizier himself, 8000 *Fanizaries*, the best Troops in the *Ottoman* Empire, were computed to fall in that Battle, which did not a little contribute to the Peace made between *Mustapha* and his Confederate Adversaries, whereby he was obliged to yield most of their Acquisitions to them. This done, mutual Ambassies in 1701 pass'd between the Emperor *Leopold* and *Mustapha*, who now as sedulously applying himself to Peace as he had done before to the War, a sudden Revolution happen'd in the Empire, begun on the 27th of *July* at *Constantinople* by 150 Soldiers, but in a short time encreased to such a Strength, that they march'd to *Adrianople*, deposed *Mustapha*, and advanced his Brother *Abmet* to the Throne.

THE  
REMARKABLES  
OF  
The YEAR, 1704

January.  
Card. Spinola's Death  
4.

ON the 4th of this Month died *Giovanni Baptista Spinola*, Cardinal of *St. Cecilia*, and a *Genuese* by Birth, which Title distinguish'd him from another Cardinal *Spinola*, his Country-man, who is Chamberlain of the Church, and wears the Title of *Santo Casaro*. He had lived to reach the 89th Year of his Age, and his Death made a Twelfth Vacancy in the Sacred College.

His Character.

He was look'd upon to be a great and able Politician, who spent his Time in the Practice of the Affairs of the State and Criminal Justice. He had govern'd *Rome* for Sixteen Years together, and if he had amass'd together a great Estate during his Employment, he had otherwise procured to himself a great Number of Enemies, which was a Thing that must have been expected. He had often to do with the principal Personages in *Rome*, and his Criminal Jurisdiction indifferently extended it self over all Sorts of Persons within the City. He had terrible Quarrels with all the Ambassadors, when it was first resolv'd to abolish the Franchises, which drew upon him the general Hatred of all People. The Pleasures which he follow'd so freely in his Youth, were partly the Cause of his latter Infirmities: It was said of him, *That he studied Humanity more than Philosophy*. He was almost blind some Years before his Death, and very gouty, but reputed a Papable Cardinal at the last Election in 1700.

Dutchess of Leeds's Death.

Some time this Month, Death put a Period to the Life of the Dutchess of *Leeds*, the Wife of his Grace the present Duke of *Leeds*, in a good advanced Age, and shall be here pass'd over without any Character.

On the 26th Instant died *Rodolph Augustus*, Duke of *Wolfenbuttel*, after he had lived about 76 Years, an Age few Princes ever have attain'd to; for he was born in 1628. His younger Brother *Anthony Ulrick* had for several Years the joint Administration of the Government, not for any real Incapacity in *Rodolph*, but out of a Desire of Study and Solitude, having, as I have been inform'd, employ'd a great part of his Time in compiling the History of *Germany* for Forty Years and upwards. The fine Library and Academy he erected at *Wolfenbuttel* are great Instances of his Inclination to Learning. The Princes of this House being the elder Branch of that of *Lunenburg*, they were very much disgusted at the Promotion of *Ernest Augustus*, late Duke of *Hanover*, to the Dignity of an Elector of the Empire in 1692; and the Resentment at least of the younger Brother *Anthony* carried him so far, that, thinking he had a good Opportunity for it in the Beginning of the present War, he made an Alliance with *France*; but the Elector of *Hanover* and Duke of *Zell* nick'd him in the Bud; for falling into his Territories, and seizing his Strong-holds in 1702, he was forced to comply, and excluded from any Share in the Government; but whether he has in any measure reassumed it since upon his Brother's Death I cannot yet learn, though 'tis likely, that growing much in Years, being turn'd of Seventy, the whole is devolved upon his eldest Son *William Augustus*, who was married in 1681 to *Christina Sophia*, Duke *Rodolph's* Daughter, and his own Cousin-Germain.

January.

Duke of  
Wolfenbut-  
tel's Death.  
26.

On the 2d of this Month died Monsieur *Hospital*, Mar-quis of *St. Mesme*, in the 43d of his Age. This Gentleman was Vice-President of the Royal Academy of Sciences, and, indeed, very famous for his extraordinary Skill in Mathematics, particularly in Geometry.

February.

M. le Hos-  
pital's  
Death.  
2.

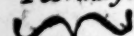
The 7th of this Month determin'd the Life of the Dutchess of *Buckingham* a Lady of exemplary Goodness and Vertue. She was of the Family of the Lord *Brook*, and first marry'd to *Baptist Noel*, Earl of *Gainsborough*; but since, after his Decease, to his Grace *John*, Duke of *Buckingham* and *Nor-mandy*, who by her Death is once more become a Widower.

Dutchess of  
Bucking-  
ham's  
Death.  
7.

About this time *Francis Conway Seymour*, Lord *Conway*, eldest Son living to Sir *Edward Seymour*, Bar. by a second Venture, married the Lady *Hyde*, Daughter to *Lawrence*, Earl of *Rosbeffer*.

Lord Con-  
way mar-  
ried.

On

February.  
  
 Death of  
 the King of  
 Portugal's  
 Daughter.  
 16.

On the 16th died the Princess *Teresa*, eldest Daughter to Don *Pedro*, King of *Portugal*, by his Second Queen *Maria Sophia Elizabeth*, Daughter to *Philip William*, late Elector-Palatine of the *Rhine*. The young Lady was born in 1696, but whether there was any Truth in the Report spread of a Match to be concluded between *Charles III.* King of *Spain*, and her about this time, I cannot pretend to determine; but if any such there were, we find Death determined otherwise.

Dutchess of  
*Lorain*  
 brought to  
 Bed.

Towards the latter End of this Instant, the Dutchess of *Lorain* was brought to Bed of a Second Son, to the Joy of that Family, whose Name I cannot yet learn.

Sir Robert  
*Jeffrey's*  
 Death.

Much about this time died Sir *Robert Jeffreys*, Knight, Alderman of the City of *London*, who, though he had not attain'd to the Degree of being Father of the City, that being the Place of the eldest Alderman, not the oldest Man, and which now for several Years has belonged to Sir *Robert Clayton*, Knight, yet he lived above the common Age of Mankind, much more of a Citizen of such a Rank in so luxurious a City, having reach'd to his 92d Year.

Earl of  
*Burlington's*  
 Death.  
 9.

On the 9th of this Month died *Charles Boyle*, Earl of *Burlington*, alias *Bridlington* and *Cork*, Viscount *Dungarvan*, Baron *Clifford* of *Lansborough*, and Baron *Boyle* of *Toughall*. *Richard Boyle*, the Grandfather of this noble Earl, in Consideration of his Assistance and the seasonable Supplies contributed to King *Charles I.* in our unhappy Civil Wars, and by reason of his Marriage with the Lady *Elizabeth Clifford*, sole Daughter and Heir to *Henry*, Earl of *Cumberland*, and Baron *Clifford*, &c. was by Letters Patent, dated Nov. 4 in the Twentieth Year of his Reign, advanced to the Dignity of a Baron of *England*, by the Title of Lord *Clifford* of *Lansborough*, in the County of *York*; and afterwards, in respect of his own faithful Services both in *England* and *Ireland*, and the great Merits of the same *Henry*, Earl of *Cumberland*, was by other Letters Patent, bearing Date the 20th of *March*, 16 Car. II. created Earl of *Burlington*, in the County of *York*, he being Son and Heir of Sir *Richard Boyle*, Knight, who was promoted to the Degree of a Baron of *Ireland*, by the Style of Lord *Boyle* of *Toughall*, on the 6th of *September*, in the Fourteenth Year of King *James I.* and farther honoured with the Dignity of Viscount *Dungarvan* and Earl of *Cork* in that Kingdom, by a Patent dated the 16th of *October*, Anno 1620, in the Eighteenth Year of the same King; which *Richard* was Second Son to *Roger Boyle* of the City of *Canterbury*, Second Son to *Lodowick Boyle* of the City



City of *Hereford*, Son and Heir of *James Boyle*, Son of *John Boyle*, Son of another *Lodowick Boyle*, of the County of *Hereford*.

The Noble Earl now deceased surviving his Father *Charles*, who being summon'd to Parliament by Writ, dated the 16th of *July*, 1689. in the First Year of King *William* and Queen *Mary*, had his Place according to the Antiquity of his Father's Barony, he thereupon claim'd to be a Baron by Virtue of that Summons, which was adjudged to him in Parliament accordingly, and upon the Death of his Grandfather aforesaid, inherited all his Honours and Estate. He was a Person of a very fair Character in the World, and had the Heart to live very splendidly, suitable to his Quality.

The 23d of this Instant, Cardinal *Norris* gave way to Fate, at what Age I know not. He was a Native of *Verona*, and a Monk of *St. Austin's* Order, of no Noble Family, but only a Citizen of the *Terra Firma* of *Venice*. He had at first the Keeping of the *Augustine* Library, which is one of the most considerable at *Rome*; after which he became Reader in *Pisa*, and at the same time was made *Præceptor* to Prince *Gaston* of *Tuscany*. Pope *Innocent* XII. first made him Keeper of the *Vatican* Library, in the Room of Mr. *Schellstraet*, and afterwards, upon one of his Promotions, he nominated him a Cardinal. He was without Contradiction the Learnedst Man in all *Italy*; the Sacred College had not one that came near him, and for that there needs no more than to read his Works. The *Jesuits* did not love him; they had writ against him upon the Subject of the History of *Pelagianism*; but he handled them so roughly, that they never return'd to the Charge again. He used to be often in brown Studies, musing and thoughtful, and retired within himself, which made many give out, he sought after *Peter's* Keys, in Imitation of *Sixtus V.* who seem'd always cloudy and heavy till he had found them. He was a courtly Gentleman, bounriful and courteous, of a delicate Relish in his Conduct and Studies; nor was he altogether so scrupulous as Monks generally are. It's difficult to say, whether he was most to be valued for his Learning or Vertues.

Cardinal  
*Norris's*  
Death.

27.

Cardinal *John Baptista Cossagnuti* paid his last Debt to Nature on the 7th, being snatch'd away by an Apoplexy. He was a *Roman* by Birth, but a *Genuese* by Extraction. He was made a Cardinal by Pope *Alexander VIII.* under whom he exercised the Office of *Præfect* of the *Annona*, or Provision for the whole Year. His best Advantage was, that he had no open Enemies, neither had he Offices enough to procure him any: He was propos'd by Cardinal *Ottoboni*, during the sickness of the last Pope in 1700, as a Person (because he

March.

Cardinal  
*Cossagnuti's*  
Death.

7.

*March.* was one of his Creatures) fit for the Chair, in case of a Vacancy. It's true, he had Nephews, who were not very rich, and whose Conduct was not very regular; however, lest that should discourage the Sacred College, *Ottoboni* at the same time proposed Cardinal *Cenci*, a very able Person, for Cardinal Patron, and thought by that means to draw to his Party some Creatures of *Innocent XII.* but *Castagnoli's* Vapours, who thought himself already Pope, utterly traversed this Project, and it served only for a Ridicule for him to take upon him the Name of *Urban IX.* *Urban's* motto; upon which it was *Pasquin's* Advice, to set Eccho over-head, crying, *No, no.* His Death made a Fourteenth Vacancy in the College of Cardinals.

Young Pr. On the 14th died *George*, Prince of *Denmark*, Third Son  
*George dies.* of *Frederick IV.* King of that Country, being somewhat above a Year and Two Months old.  
 14.

*Coborn's*  
 Death.  
 17.

The 17th of this Month proved fatal to the famous Lieutenant-General *Coborn*; who, without Vanity, was the ablest Engineer in his Time: He rose by small Gradations in the Military and Engineering Arts, to the high Posts he so worthily filled, under the States-General. The first Time that his Fame began to eccho was in his gallant Defence of a Fort he himself had built at *Namur*, when besieged by the French King in Person in 1692, and called *Coborn Fort*, according to his Name, where he was wounded. He farther encreased his Fame and Glory by his Skill and Valour in recovering that Fort and Castle, as well as the Town of *Namur* from the French in 1695. In the new War that broke out in 1702 he commanded a separate Body of the States Troops towards *Spanish Flanders*, with which, after he had taken the little Town of *Middleburg*, he demolish'd the Lines between the Forts of *St. Donas* and *Isabella.* Next Year, viz. 1703, he obtain'd fresh Lawrels, by the quick Dispatch he made in the Reduction of *Bon*: Some Difference there happen'd between him and Lieutenant-General *Stangenburg* before the End of that Campaign, which, perhaps, (though he was about Seventy Years old) might hasten the gallant Man's Death. The Invention of Hand-Mortars to throw Hand-Granadoes was his since the Beginning of this War. Besides the Employments already mention'd, he was Governour of *Bergen-op Zoom.* I wish I could give a fuller Account of so deserving a Man, and that the Dutch were not so defective in transmitting to Posterity the Memories of those who have merited so much of them this Way, as they have often by Monuments of Brass. He wrote nothing, that I know of, but a Treatise of Fortification, with several Cuts, in his own native Language, which, I am inform'd, is now tran-

translating into *English*, and printed for Mr. Midwinter, at the *Rose and Crown*, in St. Paul's Church-yard.

March.



The 19th was the last Day of the Duke d' *Aumont's* Life. He was Duke and Peer of *France*. The Character I find given of him is, That he was happy in having Riches and Places; That his Merit would never have procured them; That he was a brutal, proud Man, without Parts, yet conceited; and that he was not to be mention'd at all, saving that he was to be met with in one's Way, in relation to some Trifles, with which he was now and then entrusted. However it was, he was First Gentleman of the Bed-Chamber to the King, and Governour of *Bologna*, and reached the 72d Year of his Age.

Duke d' *Aumont's* Death. 19.

On the 28th of this Month died *Edward Ward*, Lord *Dudley*, &c. of whose Descent and Family you have an Account in the *Annual History* for 1701, Pag. 379. The Lord then deceased, being the Grandfather of this *Edward*, who died of the Small-Pox, and under Age; but he left his Lady with Child.

Lord *Dudley's* Death. 28.

About the same Time died *Henry Yelverton*, Viscount *Longeville*, Lord *Grey* of *Rusbin* and *Baronet*, Brother and Heir of *Charles*, Lord *Grey* of *Rusbin*, &c. Son to Sir *Henry Yelverton* of *Easton Manduit*, in the County of *Northampton*, *Baronet*, by *Susanna Longeville* his Wife, sole Daughter to *Charles*, Lord *Grey* of *Rusbin*, which *Charles* being Son and Heir to Sir *Michael Longeville* of *Wolverton*, in the County of *Buckingham*, Knt. by the Lady *Susanna* his Wife, sole Heir and Sister to *Henry*, the Seventh Earl of *Kent*, Lord *Grey* of *Rusbin*, whose Ancestor *Roger de Grey* (Second Son to *John*, Lord *Grey* of *Wilton*, late in the Parliament held at *Tork*, Anno 1322, as Lord *Grey*) was upon his Claim exhibited in Parliament begun at *Westminster*, Novemb. 3, 1640, 16 Car. I. admitted to the Title and Dignity of Lord *Grey* of *Rusbin*, and thereupon had his Place and Precedency in that Parliament accordingly, by Writ, dated the 16th of February following, directed, *Carolo Longueville de Grey*, Chevalier. The Noble Lord now deceased left a Son behind him to inherit his Honour and Estate, who is yet a Minor of about Twelve Years of Age.

Lord *Longeville's* Death. Earl of

On the 8th Instant died *Henry Sidney*, Earl of *Romney*, Viscount *Sidney* of *Sheppey*, and Baron of *Milton*. He was the Third Son of *Roberts*, sometime Earl of *Leicester*, was sometime Envoy Extraordinary from King *Charles II.* to the States-General of the *United-Provinces*, and having, upon the Revolution in 1688 (wherein he was highly instrumen-

April. Earl of *Romney's* Death. 8.

April.

tal) accompany'd his late Majesty (then Prince of *Orange*) in his Expedition into *England*, was made one of the most Honourable Privy-Council, and, for his faithful Services, preferr'd to the Dignity of Baron of *Milton*, in the County of *Kent*, and Viscount *Sidney* of *Sheppey*, an Isle of the same County, by Letters Patent, bearing Date the 9th of April, 1689, 1 *Will. & Mar.* Two Days before their Majesties solemn Coronation, in order to his Attendance at that Ceremony: Sometime after which, he was constituted one of the Principal Secretaries of State, next made Lord Lieutenant of *Ireland*, and afterwards created Earl of *Romney*, in *Kent* (one of the Cinque-Ports) on the 14th of May, 1694. He was when the late King died, March 8. 1702, Groom of the Stole, and First Gentleman of the Bed-Chamber to his Majesty, Master-General of the Ordnance, Captain and Colonel of the First Regiment of Foot-Guards, Lord Warden of the Cinque-Ports, and Constable of *Dover*, Lord Lieutenant of the County of *Kent* and City of *Canterbury*, and County of the same City, Vice-Admiral of *Kent*, and *Custos Rotulorum* of the said County of *Kent*. He was divested of all these Places in Her present Majesty's Reign, except that of the Regiment of Guards, wherein, upon his Decease, he was succeeded by his Grace the Duke of *Markborough*. He died a Batchellor, and left the Bulk of his Estate to his Great Nephew Mr. *Sidney*, a younger Brother of the present Earl of *Leicester*.

M. d'Har-  
lay's Death.  
2.

On the 2d of this Month died Monsieur *Nicholas de Harlay*, at *Paris*, in the 57th Year of his Age. He was ordinary Councillor of State to the King, had been Ambassador Extraordinary and Plenipotentiary to the Assembly of *Frankfort* and the Conferences of the Empire, and the same at the Treaty of *Reswick* in 1697.

Cardinal  
*Furstemburg's*  
Death.

Sometime this Month, as I take it, died *William*, Cardinal of *Furstemburg*, in the 75th Year of his Age. He was a German by Birth, of the Illustrious House of *Furstemburg*, but his great and perpetual Devotion to *France* caused him to be look'd upon at *Rome* and elsewhere as a French Man. This Person being at the Conferences about the Peace, with the Character of the Elector of *Cologne's* Plenipotentiary to negotiate the Treaty, which was afterwards concluded at *Nimeguen*, he was there, pursuant to an Order from the Emperor, seized by the Marquess *de Grana*, and carried Prisoner to *Neustadt*, where he continued till the Conclusion of the Treaty at *Nimeguen* in 1678, by a particular Article of which it was stipulated, that he and his Brother Prince *Egon*, and his Nephew Prince *Anthony*, their Officers, &c. should be restored to their former State and Dignities.



April.

ities; and that this Prince *William* should forthwith, upon the Ratification of the Treaty, be set at Liberty. The great War that broke out in *Europe* in 1688, was begun upon the Account of this Cardinal; for his Pretensions to the Electorate of *Cologne*, being stily supported by *France*, and that of Prince *Clement* of *Bavaria* by the Emperor and other Potentates, it came to an open Rupture, and the latter at last carried it. 'Tis true, he had seiz'd *Bon* towards the Beginning of the Difference; but that important Fortrefs being recover'd by the Elector of *Brandenburg* in 1689, he was totally ejected, and lived retiredly in *France* ever since. This Cardinal was Bishop of *Strasburg*, and also Abbot of *Stravers*, upon whose Decease a Brother of the Duke of *Lorain* was to succeed.

On the 12th of *April*, *James Benigne Bouffet*, Bishop of *Meaux*, paid his last Debt to Nature, after he had lived 76 Years. This Person was a Member of the *French Academy*, and formerly Bishop of *Condom*: He was also Counsellor of State, First Almoner to the Dutchess of *Burgundy*, Conservator of the Privileges of the University of *Paris*, Superior of the Royal College of *Navarre*, and formerly Preceptor to the *Dauphin*. He was, to do him Justice, one of the most Learned among the *French Ecclesiasticks*, and one of the most refined among the Courtiers. He was an indefatigable Writer against all those who were not of the Sentiments of the Court: However, having published several Pieces in Defence of the Church, he acquired an universal Esteem and Veneration among those of that Communion. He might still have left a better Reputation behind him, had he shewn in his Writings more Regard to Truth, and more Moderation; bus his Animosity to the Archbishop of *Cambray* was unbecoming his Character, and the false Reports he spread against that Prelate, raised a general Indignation against himself.

Bishop of  
*Meaux's*  
Death.  
12.

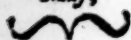
I think, it was sometime this Month that *Richard Boyle*, Lord *Shannon*, in the Kingdom of *Ireland*, was married to the Countess *Dawager of Orrery*, the Relict of *Lionel*, late Earl of *Orrery*, of the same Kingdom, and the Second Noble Branch of the Family of the *Boyles*, that of *Burlington* and *Cork* being the First.

Lord *Shannon*,  
non married.

The 12th of this Month proved fatal to Prince *Charles Thomas of Vaudemont*, who died of a high Fever at *Ostiglia*, in *Italy*, where he was chief Commander of the Imperial Troops in those Parts. He was the only Son of *Charles Henry*, Prince of *Vaudemont*, by his Dutchess *Anne Elizabeth* of *Lorain-Elbeuf*, Daughter of the late Duke of *Elbeuf*.

May.  
Prince *Vau-*  
*demon's*  
Death.  
12.

May,



beuf, and being born *March* the 7th, 1670, was but entred on the 35th Year of his Age, so that being cut off in the Prime of his Years, the World will give me Leave to pay a small Tribute of Ink, with an Intermixture of Tears, to the Memory of one of the hopefullest young Princes, that the last Age or any other has produced.

He very early engaged himself in his *Imperial* Majesty's Service in the *Hungarian* War, wherein he perform'd many glorious Actions against the Enemies of Christianity, having ever in his View, that the Way to Honour was thro' the Temple of Vertue; and while others, during the Winter Recesses of the Campaign, made their Court at *Vienna* for Preferment or Gratification of their Pleasures, his generous Soul equally disdain'd both, for he kept constantly to his Post, and took all Advantages to promote the Service he was engaged in, saying, *He took the exact Performance of one's Duty to be the just and right Way to Preferment, which was due only to Merit, though Court Flatteries might often obtain it.* This Prince perform'd Wonders in all the Actions wherein he was engaged, but particularly in the great Battle of *Salankemen* in 1691, where he advanced with the Horse on the Right to the very Brink of the *Turks* vast Intrenchments, and there continued with the Infantry also that came up, a most desperate Fight, from Three till Night, wherein all the superior Officers of the Infantry were kill'd, except Count *Guido* of *Staremberg*, who was there wounded, as well as our young Hero. He had a great Share in the Overthrow of the *Turkish* Army in the great Battle of *Zenta* upon the *Theysse*, in 1697, under the Command of Prince *Eugene*, and was the Person pitch'd upon to go Express to *Vienna*, not only to give the News of that brave Action, but to enlarge upon the Particulars (of which he was so capable) with such ample Commendations of his Conduct and Valour by Prince *Eugene* in his Letter to the Emperor upon that Occasion, as he justly merited. The Peace which was concluded in *Hungary* between his *Imperial* Majesty and Sultan *Mustapha*, in the Beginning of 1699, gave Prince *Charles* an Opportunity to take a Tour *Incognito* into *England*, where he made but a short Stay. He likewise spent the best part of 2 or 3 Winters with his Father and Mother the Prince and Princess of *Vaudemont* at *Milan*, to whom he shew'd himself very dutiful, and they as indulgent Parents to him. It was observed, that he was tall of Person and slender, and more resembling his Mother than Father, exceeding affable and courteous, very religious in his Way, and not visibly tainted with the Vices too frequently incident to Princely Youths and Courts. He loved to discourse with Strangers, and being used to smook Tobacco, he would, while at *Milan*, frequently retire into the Company of Two *English* Men, that were Servants

to his Father in one of the nearest Posts, and freely smook and converse with them.

But *Charles II.* King of *Spain*, dying before the End of 1700, News thereof was no sooner brought to *Milan*, than that Prince *Charles* immediately left that City, and posted to *Vienna*, where his Imperial Majesty, having due Regard to his Fidelity, great Merits and indefatigable Services, was pleased to constitute him General of the Horse in the Army designed, under the Command of Prince *Eugene*, for *Italy*, to assert his Rights to the *Spanish* Dominions in that Country. This Army having encounter'd incredible Difficulties in their March, and at length pass'd the *Adige* in Sight of the Enemy, the first Action of Moment they had was at *Carpi*, wherein our brave Hero greatly signaliz'd himself, and Prince *Eugene* in his Letter to the Emperor was not wanting in giving this *Encomium* upon him, *That he was constantly at the Head of the Horse, as Count Guido of Staremberg was so at the Head of the Foot.* Soon after follow'd the Battle of *Chiari*, in which Prince *Thomas* (for now they began to call him so, to distinguish him from his Father, who was of the opposite Party) gave high Proofs of his Conduct and Valour, and before the End of this Campaign in 1701, successfully surpriz'd a Body of the Enemy's Horse near *Tracassone*, of whom he made a great Slaughter, and got a considerable Booty. It's true, Prince *Eugene's* well concerted Design upon *Cremona* miscarry'd in 1702, and Prince *Thomas* could not possibly come up time enough to pass the *Po*, to say nothing of the Want of Pontons and Barks for that purpose: However, he soon after took Possession of *Busseto*, and made the Garrison Prisoners. The great Battle of *Luzara* the same Year could not be fought without young *Vaudemont's* having a Share in the Glory of it, though the Nature of the Ground was such, that the Horse could not do that Service in it as could have been wish'd. He encreased his Lawrels in the Campaign of 1703, by his surprizing and defeating of a great Body of *French*, under *M. Albergotti*, at *Ponte-Peligrino*, where he slew above a Thousand of the Enemy, and made several Prisoners, with inconsiderable Loss: But, alas, he who was thus wont to conquer and triumph over his Adversaries, was at last encountred by an invincible Enemy at *Ostiglia*, before-mention'd, where a little before his Departure he made a lively Exhortation to all the Officers that stood about him to preserve an hearty Zeal for the Interest of his Imperial Majesty, and to continue to give Proofs worthy of Men, who bore Arms of their Fidelity and Affection for his Service and the Common Cause. His Entrails were bury'd in the Church of the *Capuchins* at *Ostiglia*; his Body was sent to *Ferrara*, in order to be carry'd to *Nanci* in *Lorain* (of which

May.

which House he was) to be interr'd there, and his Heart was sent to the Princess of *Vaudemont*, his Mother, at *Milan*. This young Hero being dead in the Country of *Virgil*, puts me in mind of the moving Expressions the Grief for the untimely Death of *Marcellus* drew from that incomparable Poet, and I may boldly say of him,

— Non illi quisquam se impune tulisset  
Obvius armato, seu cum pedes iret in hostem,  
Seu spumantis equi foderet Calcaribus armos.

Lady *Altham's*  
Death.

Towards the Beginning of this Month died the Lady *Altham*. She was the Daughter or Daughter-in-Law of *John Lord Haversham*, and married some Years ago to *Arthur Annesley*, Lord *Altham*, in the Kingdom of *Ireland*.

Lady  
*Craven's*  
Death.  
16.

On the 16th the Lady *Craven*, Wife of *William Lord Craven*, Baron of *Hampsted-Marshal*, in the Kingdom of *England*, died at *Comb* in *Warwickshire*, in Child-bed.

June.

Lord *Petre's*  
Death.  
4.

On the 4th Instant died *Thomas Petre*, Baron *Petre* of *Wristle*, whose Ancestor *Sir John Petre*, Knight, (Son and Heir to *Sir William Petre*, Knight, Doctor of Laws, who had been Secretary and of the Privy-Council to Four Kings and Queens, and Seven times Ambassador in Foreign Parts) was created Lord *Petre* of *Wristle*, in the County of *Essex*, by Letters Patent, bearing Date the 21<sup>st</sup> of *July*, 1603, in the First Year of King *James I.* This Lord was a Roman Catholic.

Dr. *Bathurst's*  
Death.

On the 8th Instant died *Ralph Bathurst*, Doctor of Physick, President of *Trinity-College* in *Oxford*, and Dean of *Wells*. He was the Second Son of *George Bathurst* of *Horshorp*, in the County of *Northampton*, Esq; by *Elizabeth*, Daughter and Coheir of *Edward Villiers* of the same Place and County. He marry'd *Mary*, Daughter of *John Tristram*, Esq; by the Lady *Mary Ley*, Daughter of *James*, sometime Earl of *Marlborough*. This Gentleman was made Master of *Trinity* in 1672, he being then Fifty Years of Age. I know of nothing extant of his, but some Verses writ many Years ago, which discover he had a good Taste of Poetry; but there is something so very singular in the Preamble to his Will, that I thought fit to insert it here.

Preamble  
to his Will.

'S Ince no Man knoweth the Time of his Dissolution, and it becometh every serious Christian to die (as it were) daily, I *Ralph Bathurst*, Dean of *Wells*, and President of *Trinity College* in *Oxford*, being at this Time (praised be God) in perfect Health both of Body and Mind, yet not





unmindful of the Uncertainties of Human Life, and especially foreseeing, that the Infirmities of old Age are not far off, and this Earthly Frame of mine must in a short time fall to Decay and Ruine, do commend all that I am, or have, into the Hands of God Almighty, who was, and is, and will be for ever, beseeching Him to pardon and accept me an unworthy Sinner, through His Mercies in our gracious Redeemer and Saviour Jesus Christ; and that, when my Change cometh, He will still keep me close unto Himself, even as now I live, and move, and have my Being in Him, who is All in All. And first I do declare and profess my self a true and dutiful Son of the Church of England, desiring to live and die in the Faith and Obedience of that Religion, which is so happily by Law established. And here I cannot but, with a thankful Heart, acknowledge and celebrate that good Providence, by which I first obtain'd, and have (thro' God's Goodness) these many Years enjoy'd a serene and well establish'd Mind, and that mine own Studies and the Conversation of many learned and ingenious Friends (wherein I have long been exceedingly happy) have carried me far above those Anxieties, to which my self in times past have not been a Stranger, and under which the greatest part of Mankind do labour. And though I know that human Frailty is great, and our Fears strong, especially in Times of Infirmary and Declining, neither can any Man assure himself that his Reason shall always be firm and constant to him; *Felix qui potuit Rerum cognoscere Causas, atque metus omnes, & inexorabile fatum subjesit Pedibus.*— Concerning the Place and Manner of my Burial I am not at all solicitous, but shall leave it to the Direction of my Executors, except it shall please God to give me Leisure and Opportunity of ordering it at the Time of my Death, as Occasion then may require. Only I shall always desire that it may be perform'd with all convenient Frugality and Privacy, and that my Mouth and Nostrils may be firmly closed up with a Plaister of Diachylon, and my whole Head wrapt in Cere-Cloth, and that I be buried without any Cover to my Coffin, only with a black Pall of Woollen Stuff loosely nail'd on, and hanging loose down. As for my Worldly Estate, it hath pleas'd God in much Mercy to give me neither Poverty nor Riches, a Condition not only most suitable to me, but surely in it self most desirable, I have not made it the Labour of my Life to live great, or die wealthy, but have studiously avoided that Vanity and sore Travel, to bereave my Soul of Good by heaping up Riches, not knowing who shall gather them. Yet whilst it hath been my Endeavour not to live unprofitably, or die without being desired, but rather by an honest Calling to do

June.

‘do some Good in my Generation, and uphold my self in a Way agreeable to my Mind and Condition in the Course of my Life; something of this World’s Good (as Men call it) hath cleaved to me, without much Design or Contrivance: So that, by the good Hand of Providence upon me, my Cup it not only fill’d, but something there is which probably may run over: Which, that it may be disposed of according to my Mind, I have caused this my last Will and Testament to be written as follows, my bad Eyes not permitting me now to write it my self. My last Will and Testament, in the Name of God, *Amen.* I *Ralph*, &c.

*L. Woodstock*  
married.

It was about the End of this Month (as I take it) the Lord *Woodstock*, Son and Heir of *William*, Earl of *Portland*, married the Lady *Elizabeth Noel*, Daughter to the late Earl of *Gainsborough*.

Duke of  
*Bretagne*’s  
Birth.

25

We have already mention’d the Birth of the Duke of *Bretagne*, and some Circumstances relating to the same. It was observed once by a noble Historian, that the Birth of the present *French King Lewis XIV.* fix’d the Ballance of Power, that had been long fluctuating between *France* and *Spain*, entirely on the Side of the former, which indeed may be said to have been growing ever since to the monstrous Height we have seen it, without any considerable Check, till soon after the Birth of this Great Grandson of *France*, when hardly any Kingdom or State (except upon an entire Dissolution) received such a Convulsion and Shock by the Arms of the most Serene Allies, and chiefly by the Valour of an *English Army*, under the Command of an *English Hero*, and the same hitherto has been seconded with as much Success, in the several Parts of *Europe* that are the Scene of the War, as well could be wished. Who knows but that from so remarkable a Birth, as that of the Duke of *Bretagne* (and that of his Great Grandfather we are sure was no less, for both which there were so much Rejoicings made in *France*) Providence hath dated the critical Time from which that Kingdom shall recoil within its former Channel, by much quicker Paces than, perhaps, her very Enemies could once hope for. I am sure, should we be bleis’d with such another Campaign as this in 1705, there would be little Room left to doubt it. We might here give the Particulars of the Rejoicings made for the Birth of this young Prince, with the several Devices and Motto’s; but we shall content our selves only to insert the pompous Inscription, in Gold Letters, over the chief Front of the Triumphal Arch at *Paris*, which was to this Purpose.



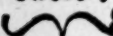
Ludovicus Britannia Dux,  
Ludovici Burgundia Ducis Filius,  
Ludovici Delphini Nepos,  
Ludovici magni Pronepos;  
Natus VII. Kal. Jul. An. MDCCIV.  
Plaudensibus Gallia & Hispania Populis,  
Perpetuam utriusq; Imperii auspiscatur  
Felicitatem.

That is, *Louis*, Duke of *Britanny*, Son of *Louis*, Duke of *Burgundy*, Grandson of *Louis* the *Dauphin*, Great Grandson of *Louis* the Great; born the 25th of *June*, 1704. to the Joy of *France* and *Spain*, his high Birth presaging the perpetual Felicity of both Empires.

Sometime this Month died the Duke of *Holftein Ploen*, Duke of a Prince that had the Reputation of being a great Soldier: *Holftein Ploen's Death.* And as such was pitched upon by the late King of *England* to be Velt-Marshal of the Army of the States-General in 1694, when he retook *Huy* from the *French*. He likewise signalized himself very much at the Siege of *Namur* in 1695, and continuing in that Service till towards the Peace of *Reswick* in 1697, his Place was at length supplied by *Walrad*, Prince of *Nassau Saarburg*.

The 5th of this Month proved fatal to Cardinal *Marco Delphino*, a *Venetian*, at his Archiepiscopal See of *Bressia*, in the 51st Year of his Age. He was made a Cardinal by *Innocent XII.* in *November*, 1699, he being at that time his Nuncio at the Court of *France*. His Death occasion'd a Fourteenth Vacancy in the College of Cardinals. *Card. Delphino's Death.* 5.

On the 16th of this Month died ——— *Durfort*, Duke *M. de Durfort's Death.* of *Duras*. He was made a Marechal of *France* in 1675, and having been now for many Years the eldest of that Number at the Marble Table, was Dean of the Marechals. He was talk'd of when he was young, but he had scarce any Remains of Reputation in his old Days. He lost with Time what good Sense and Vigour he might once have had, and lived to plague a great many People by his Slowness and Want of Conception. He was a great Lord in his Family and in all his Affairs; that is to say, he spent high, and paid no Body. He would have been no longer known, if he was not seen at Court for Three Months in the Year, and if his Name, as Dean of the Marechals, by Virtue whereof he sign'd all Orders, was not often necessary to several People: In a Word, he was extreamly weak in every thing. 16.

October.  
  
 Card. Barberino's  
 Death.  
 11.

On the 11th of this Month died Cardinal *Charles Barberini* at *Rome*, in 75th Year of his Age, according to some Accounts; but I take him to be no more than 71; for he was born in 1633. His Death occasion'd a Seventeenth Vacancy in the Sacred College. This Cardinal was always sickly; and for that Reason, they called him, *Ile Giobbe nella Patienza di Santa Rosa*, i. e. *Job* in the Patience of *St. Rosa*. His short Sight, ordinary Meen, and Actions made People judge, that his Wit was none of the sublimest: It was observ'd he never made a Noise either in Conclaves or Congregations: He was very studious, but conceiv'd and apprehended little, and retain'd less; and his Memory was so bad, that he seem'd to be a Child again: He talk'd little, and that not well neither: He concern'd not himself much with the Publick; however, he was a good honest Man, in whom all the Rules of Physiognomy were false. The People loved him at *Rome* for his Bounty, and because he spent high; and he might well afford it, for the very Benefices and Abbeyes which his Uncles, the Cardinals *Francisco* and *Antonio Barberini*, resigned to him, brought him above 30000 Crowns a Year; so that he had every thing magnificent about him. This Cardinal was of the same Family as *Urban VIII.* whose Memory was not advantageous to him, when at any Time he stood Candidate for the Pontificate; for, besides that they seldom or never advance to the Papal Chair those that are descended from a Papal Family, the Customs and Impositions wherewith *Urban* burthen'd the People for 22 Years together were not forgotten; for it was said of his Pontificate, *Quod non fecerunt Barbari, id fecere Barberini*, i. e. *Barberini* finished what the Barbarians had left undone. This Cardinal was no ways acceptable to the *Spaniards*; however, he was recommended to the Court of *Vienna* by the Dutchess Dowager of *Modena* and the late Queen of *England*, his Nieces. The Arms of the *Barberini* being Three Bees, his Friends upon the last Election of a Pope in 1700, encouraged him with this Distick;

*Dum dominantur Apes, vis dicam quale futurum  
 Imperium Romæ? Copia mellis erit.*

i. e. Would you know what the Empire of *Rome* would be when the Bees reign? There will be Plenty of Honey.

The Corps of this Cardinal being open'd and embalm'd, was carried into the Church of *St. Andrew de la Valle*, where he lay in State Three Days, after which it was buried in the same Church with great Pomp and Ceremony, the whole Sacred College attending, as also the Queen Dowager of *Poland*,



Poland, and a great Number of other Persons of Quality. His Heart was deposited in the Tomb of Cardinal *Francis Barberini*, his Uncle, in the *Berberine* Chappel. By his Will, which is written in 250 Sheets of Paper, and which he often review'd and alter'd since the Year 1694, when it was first drawn, he has constituted the first Male Child that shall be born to the Prince of *Palestrino*, his Nephew, his Heir; and, in Default of such Male Issue, the Duke of *Gaetano*; after him Count *Boromeo*; and then the Duke of *Modena*, or the Heirs of their respective Families, those Three being his Sisters Sons. He has made Cardinal *Francis Barberini* Administrator of his Estate, till the Son that may be born to the Prince of *Palestrino* shall attain the Age of Fifteen Years: And the Cardinals *Spada*, *Pamfilii*, Don *Oratio Albani*, and Bishop *Scoti*, are made Executors. 'Tis computed he died worth 500000 Crowns; of which he gave away 140000 in Legacies. To the Pope he bequeath'd Two Pictures of great Value; to Don *Oratio Albani*, his Holiness's Brother, a very fine Watch; to the Cardinals *Spada* and *Pamfilii*, each a Piece of Painting; to Bishop *Scoti* a Coach and Four Horses; to the Duke of *Modena*, his Nephew, 2000 Crowns, and 6000 Crowns among his Domestick Servants.

Sometime this Month the Earl of *Dorset* married *Madam Roche*. E. of Dorset married.

I think it was much about this Time that the Dutchess Dowager of *Buckingham* departed this Life. She was the only Daughter and Heir of *Thomas Lord Fairfax*, sometime General of the Parliament's Forces against King *Charles I* in our late unhappy Civil Wars, and marry'd before the Restoration to *George Villiers*, Duke of *Buckingham*, by whom she had no Children: She was a Lady of great Vertue and Goodness, and left what personal Estate she had to the Lady ——— *Hickman*, Sister to the Earl of *Plimouth*, her Kinswoman. November. Dutchess of Buckingham's Death.

The 30th proved fatal to the Dutchess of *Holfstein* *Gororp*. She was Sister to *Christian V.* late King of *Denmark*, and to Prince *George*, Mother of *Frederick*, late Duke of *Holfstein*, who was slain in the Battle of *Lizaw* in Poland in 1702. and the Grand-mother of the present young Duke. Dutchess of Holfstein's Death. 30.

On the 21th died *John Locke*, Esq; at *High Laver*, in the County of *Essex*. He was born at *Pensford*, in the Parish of *Publoe*, in the County of *Somerset*, being the Son of Mr. *Locke* (sometime Steward, or Court Keeper, to Colonel *Alexander Popham* in the said County) who (as I am credibly in- Mr. Locke's Death. 28.

*Novemberr.* inform'd) left him a real Estate of 200 Pounds *per Annum*, he was educated in *Westminster School*, from whence he was sent to *Christ-Church College* in *Oxford* in 1651, where he became one of the Students of that College, and took the Degree of Batchellor of Arts, *Feb. 14. 1655.* He entered on the Physick Line, run through a Course of Chymistry, and in 1672 was made Secretary to the Lord Chancellor *Shaftsbury*; but quitting it in 1674, when that Lord was put out, he went to *Oxford*, and on the 6th of *February, 1674*, he took the Degree of Batchellor of Physick, and practised there; but there being a high Ferment in the Nation, and a Plot (or supposed one) breaking out in 1683, he thought fit to leave *Oxford*, withdrew to *Holland*, and was sometime employ'd there by the *English* Resident to transact Business between him and the Earl of *Middleton*, Secretary of State in *England*: But before this, *viz. in 1684*, he was put out of his Student's Place in *Christ-Church*; however, he had Leave to return Home in King *James's* Time: And after the Succession of King *William* to the Throne, he was first made Secretary at War in 1689, then one of the Commissioners of Appeal, and afterwards, upon that Prince's erecting Lords Commissioners of Trade, Mr. *Locke* was one of those appointed to officiate by Vertue of that Commission, wherein he continued till towards the latter End of 1698, when he voluntarily resigned it, by reason of his Age and bodily Infirmities, which would not allow his constant Attendance, as he desired. This Learned Gentleman dying, as before said, was buried in the Church-yard of *High Laver*, and that in a plain Wooden Coffin, not covered with Cloth, or otherwise adorn'd, according to the Directions he himself had given in his Will, all writ with his own Hand; by which he left several small Legacies to Dr. *Veen*, and others in *Holland*; he gave to Mr. *Ansbony Collings* of the *Middle-Temple* his *Plautus*, in *Folio*, of *Lambin's* Edition, with some other Learned Books. The Bulk of his Study he divided between Mr. *Peter King* of the *Middle-Temple* and Mr. *Francis Cudworth Masham*, to which last he bequeath'd 3000 Pounds: But for his real Estate, there is no Mention made of it; so that 'tis probable he had settled it before by Deed. He likewise left several small Legacies to the Poor, and for putting some Apprentices out of *Publoe*, his Native Place, and the adjacent Parishes, and constituted Mr. *Peter King*, aforesaid, his Cousin, to be his sole and whole Executor. He wrote several Things, as, *An Essay upon Human Understanding; Thoughts of Education: A Collection of Letters concerning Coin and Trade*: The First writ in *Latin*, and published at *Tergow* in *Holland*, under this Title, *Epistola de Tolerantia*, and afterwards translated into *English*, without the Author's Privity: The Second was printed for A. and

J. Churchill, in 1690; and the Third, for Toleration to November. the Author of the Third Letter concerning Toleration, printed for A. and J. Churchill in 1692. *The Treasises of Government*, of which there have been so many Editions, but (as he himself says) all very uncorrect: *The Reasonableness of Christianity, as delivered in the Scriptures*; *A Vindication of the Reasonableness of Christianity, from Mr. Edward's Reflections*; And, *A Second Vindication of the Reasonableness of Christianity*.

This Gentleman, upon the Desire of the Learned Dr. John Hudson, Keeper of the Bodleian Library in Oxford, made a Present of the Books he had writ to the University, which were very kindly accepted: He likewise presented the same University with Four Volumes of Voyages, in Folio, printed for A. and J. Churchill: And whereas he understood there were Two Volumes more to be published, he made a Provision in the Codicil to his Will, that they also should be presented to the University, as well as his *Essay upon Human Understanding* (now again in the Press) to which he has made some considerable Improvements. I had almost forgot to mention his Controversie with the Learned Dr. Stillingfleet, late Bishop of Worcester, not long before his Death, and that he has left several Things in *Manuscript*, particularly *Annotations upon the New Testament*, which, if ever they come to see the Light, will, in all Probability, give us a clearer Idea of his Notions in Religion, than we have yet met with, tho' I am since inform'd he writ no more of this kind, than a Commentary and Notes on the *Epistle to the Galatians*, very lately published. I cannot directly assign his Age at his Death; a Person of his Acquaintance informs me he could not exactly tell himself; but if we allow him to be about Twenty when he took his Degree of Bachelor of Arts, Seventy Years must be the Outside.

As for his Character, take it from a Gentleman, who knew him very well, in these Words: His Name will last as long as our present Language is understood, or *English Men* have a Relish for good Sense. His Literature was universal, his Notions useful, and his Observations Critical and Just. He knew how to write Controversie, and differ in Conversation, with equal Strength and Manners. He was as much a Master of them, as if he had been always immur'd amongst Books, and yet had so decent and winning a Behaviour, that no Courts could have added to the Complaisance of his Temper. How much he could improve our Understandings, may be found by those who read what he wrote with that Intent: But this Nation can scarce pay Regard enough to his Memory for his making several, who were so much in the wrong, judge rightly of Toleration and Recoinage. What he hath written about Trade bespoke him adequate to the

Com-

*December.* Commission he once had, and conscientiously laid down, because his Infirm Body would not admit of his attending upon it. Indeed, upon whatever Occasion he employ'd his Pen, he wrote in a Masterly Strain, shew'd Compass of Thought, and the utmost Penetration, besides a Perspicuity scarce to be met with. He had himself a large Mind, and yet was the farthest Man alive from ridiculing Men of a lower Form, from being assuming and magisterial in his Discourse: And, in short, he was as well a good natur'd and well bred Gentleman, as a finished Scholar and profound Philosopher. This being but a little part of what might be said in his Praise, it is easie to imagine he is infinitely lamented by all who had the Happiness of his Acquaintance; tho', by his own great Insight into Nature, and a constant Temperance, he preserved a very weak Constitution to an Age very few attain to; and at last was brought to his End by a meer gradual Decay, which made him for some time, without Consternation, expect his Change.

Sir Roger  
l'Estrange's  
Death.

12.

The 12th of *Dec.* proved fatal to Sir Roger l'Estrange, Kt. in the 88th Year of his Age. He was the Second Son of Sir Hammond l'Estrange of Hunston, in the County of Norfolk, Knight, by Alice, Second Daughter and Coheir of Richard Stubb of Sedgford, in the said County, Esq; It's not doubted, but this Gentleman had liberal Education, but where and after what manner I cannot find; nor, indeed, any thing else memorable of him till the Year 1644. when having obtained a Commission from King Charles I. for reducing of *Lynn*, in the County of *Norfolk*, then in the Possession of the Parliament, under the King's Obedience; and Mr. l'Estrange going in order thereunto privately into the Parliament's Quarters, his Design was discover'd to Colonel *Walton*, the Governour, by one *Leaman*, a Sea-Captain, and his Person seized at Mr. *Paston's* House, at *Appleton-Hall*, upon which the Parliament order'd him to be try'd by a Court-Marshal at *Guild-Hall, London*. He made as handsome a Defence for himself as the Circumstances of his Case would admit of; however, he was condemned to die for a Spy: But Prince *Rupert* sending a Trumpeter from *Oxford* with a Letter to the Earl of *Essex*, representing his Case to be new, and such, if he were executed, as might occasion the like Usage of such as adhered to the Parliament from his Majesty's Party, he was repriev'd, and continued in *Newgate* several Years after, without any farther Hearing, for which, or his Liberty, he made frequent Applications: After this, he became in some sort of Favour with *Cromwell*; but they that said he was his Fidler, did it only by way of Ridicule, for having, perhaps, once or twice play'd before him. In the Year 1660, and for some Years after, he published



a confused sort of News Paper, which at length was put down by the *Gazette*, first set on Foot by Mr. *Williamson* (since Sir *Joseph*) Under-Secretary to Mr. Secretary *Nicholas*, for which, however, the Government allow'd him a Consideration. Sometime after the Popish Plot, that broke out in 1678, when the *Tories* began to gain Ground over the *Whigs*, as the Nation was then unhappily distinguished, he in his *Observers* became a mighty Stickler for the former, and descended to every mean and trifling Story to expose the latter. He served for *Winchester* as a Member in the Parliament called by K. *James*, 1685; but Things taking a quite different Turn in that Prince's Reign, in point of Liberty of Conscience, than most People expected, his *Observers* were disused, as not at all suiting with the Times: However, Sir *Roger* still continued Licensor of the Press till K. *W's* Accession to the Throne in 1689, in whose Reign he met with some Trouble upon Account of his being supposed a disaffected Person: However, he went to his Grave in Peace, though he had, in a manner, survived those Intellectuals, which for many Years he lived to enjoy to an uncommon Perfection, as appears by the very many Things he wrote and translated, of which I shall not here pretend to give a Catalogue. He was certainly a very great Master of the *English* Tongue; how far he was so in others I shall not offer to determine: However, I must beg Leave to affirm, without intending any Injury to his Memory, that I have often found him mistake the Sence of his Author.

In the same Month died the Duke of *Gefures*, in *Valois*, D. of *Gefures* his Death.  
a Duke and Peer of *France*, and Governour of the City of *Paris*. The Character I find given of him some Years ago was very singular, viz. That he was an old Beast, from whom Death would soon free the Court, where he had been always troublesome by his continual Importunities; That an abler Man than he, had been in Disgrace long ago for them; and that he was no otherwise regarded, than as he was the Occasion of several Competitions for his Places when he died.

Towards the End of this Year, Colonel *Silus*, or *Silins* Col. *Timo's* Death.  
*Tinus*, departed this Life. He was descended from a Family call'd *Tiso*, in *Italy*. He became a Commoner of *Christ-Church*, *Oxon.* in *Leit*, 1637, and continued there Three Years, from whence he removed into one of the Inns of Court. When the Civil Wars broke out, he became a Captain in the Parliament's Army, but afterwards adhered closely to the King's Interest. He went with the Parliament's Commissioners to him at *Newcastle*, thence to *Holby*, from whence he was sent Express to the Parliament

*December.* in June, 1647, to acquaint them the King was seized by a Party of the Army commanded by Cornet *Foye*, and for his Celerity they gave him 50 l. to buy himself a Horse. He was soon after taken into Favour by *Cromwell* and that Party, who would have engaged him to persuade the King to consent to the Four Votes of Dethroning him. After the Beheading of King *Charles I.* in 1648, he follow'd the Fortune of *Charles II.* acted as Groom of the Bed-Chamber to that Prince, and a certain Author says, That *Richard Graves* and he were the only *English* Men that follow'd him into *Scotland*; but Sir *Edward Walker* was certainly there also: He was likewise at the Battle of *Worcester* with King *Charles II.* in 1651, and, after the Defeat of the Royal Army, made his Escape. Sometime after *Cromwell* assuming the Protectorship, he wrote a very shrewd Pamphlet against him, entituled, *Killing no Murder*, under the borrow'd Name of *Allen*, wherein he would have persuaded him, for what he had done to the Nation, by way of Recompence, to make away with himself, or proved it lawful for any Body else to kill him. After the Restoration of King *Charles II.* in 1660, he was in much Favour with that Prince, and made Groom of the Bed-Chamber, and by a Warrant, dated June 1. 1665, had an Augmentation of Arms gratis, viz. In a Field Or upon a Chief imbattell'd Gules, a Lion of England. He was chosen Burgess for *Leitchfield* in the Parliament of May, 1661, but no Pensioner, as some others of that Time were. When the Popish Plot broke out, he became a zealous Stickler against the Favourers of that Design and Interest, quitted his Groom of the Bed-Chamber's Place, and being chosen Knight of the Shire for the County of *Huntingdon* in the Parliament held at *Westminster* Octob. 21. 1680, he made several smart Speeches for the Bill of Exclusion, which are printed in a Book, entituled, *An exact Collection of the Debates of the House of Commons held at Westminster*, &c. However, he grew in Favour with King *James*, being in November, 1687, introduced to that Prince by Mr. *William Pen*, with whom he join'd Interest for taking away the Penal Laws and Test, &c. It was reported also, that he had finish'd a Book to shew the Use and Advantage of it. He was in June, 1688, sworn of the Privy-Council to King *James*, together with *Christopher Vane*, Esq; and Sir *John Trevor*, Master of the Rolls. After the Revolution he serv'd Burgess for the Town of *Ludlow*, in *Shropshire*, in one of two Parliaments. He lived retiredly the latter part of his Time, under the Pressures of an advanced Age, which at length brought him to his Grave. He was bury'd at *Bury* in *Hertfordshire*, the Place of his Nativity.

This Year proved fatal to Mr. *Thomas Brown*. He was the Son of *William Brown* of *Newport*, in *Shropshire*, became a Servitor in *Christ-Church*, under the Tuition of Mr. *Thomas Spark*, Octob. 1678, *Ætas.* 15; but he left that House without taking any Degree, retired to *London*, and sometime after became Master of the Free School at *Kingston* upon the *Thames*, which he held not long. He wrote and translated abundance of Things. He was a good Scholar, and Master of a great deal of licentious Wit. As good Manners will not allow us to say any more to disturb his Ashes; so he was too well known to the Author of this Book, for him to launch out in Commendations of him. He was buried in the Cloisters adjoining to the Abbey-Church of *Westminster*, by the generous Contributions of surviving Friends.

*The Bill of Mortality, from December 14.  
1703. to December 19. 1704.*

|           |   |          |       |
|-----------|---|----------|-------|
| Chriftned | { | Males,   | 8153  |
|           |   | Females, | 7742  |
|           |   |          | <hr/> |
| In all,   |   |          | 15825 |

|         |                      |       |
|---------|----------------------|-------|
| Buried  | { Males,<br>Females, | 11401 |
|         |                      | 11283 |
|         |                      | <hr/> |
| In all, |                      | 22684 |

Increased in the Burials this Year, 1964

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T H E

# APPENDIX.

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P A P E R I.

*The Patent about the First Fruits, &c.*

**A** N N E, by the Grace of God, of *England, Scotland, France and Ireland*, Queen, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting : As the Welfare and Support of the Church of *England*, as by Law Established, have been always Our greatest Care, so We have since our Accession to the Crown frequently reflected on the miserable Condition of a very great Number of the Clergy of this Our Kingdom, by reason of the mean and sufficient Provision for their Maintenance in several Places, which tends very much to the Ruine of this Church : And in regard that the Arrears of Tenths due to Our Exchequer, upon small Rectories and Vicarages, could not be answered without great Difficulties and Hardships to the poor Incumbents, and that several of those Churches (for fear of incurring the full Payment of such Arrears) were held in Sequestration by Temporary Curates, without being regularly filled with Institution and Induction ; We were resolved to do as much as in us lay, towards easing of the Clergy, and were graciously inclined to think, That the Ministers who served those Cures might, in respect of their Poverty, be true Subjects of Our Royal Compassion ; and that it would tend to the Honour and good Discipline of the Established Church, if those Benefices were filled with able Clerks, legally instructed and inducted : And to the charitable Purpose aforesaid, We signed a Warrant to authorize Our Lord High-Treasurer to discharge the Arrears of Tenths due upon the small Rectories and Vicarages, not exceeding Thirty Pounds *per Annum* by the most improved Valuations of the same, on Condition that the respective Churches were first filled with Institution and Induction ; And Our Lord High-

Trea-

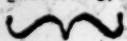


Treasurer signified Our said Bountiful Intention by Letter directed to Our Archbishops and Bishops accordingly: And in order to settle a Fond for increasing the Maintenances of the Poor Clergy, We commanded our Right Trusty and Well-beloved Counsellor Sir *Charles Hedges*, Knight, one of Our Principal Secretaries of State, to deliver a Message in Writing, signified by Us, to Our most Dutiful and Loyal Commons of *England* in Parliament Assembled, declaring, That we having taken into Our serious Consideration, the mean and insufficient Maintenance belonging to the Poor Clergy in divers Parts of this Kingdom, To give them some Ease, had been pleased to remit the Arrears of the Tenth to the Poor Clergy; And that for Augmentation of their Maintenance, We would make a Grant of Our whole Revenue arising out of First-Fruits and Tenths, as far as it then was or should become free from Incumbrances, to be applied to this purpose: And if the House of Commons could find any proper Method by which our good Intentions to the Poor Clergy might be made more effectual, it would be a great Advantage to the Publick, and very acceptable to Us. And whereas by an Act of Parliament, made in the Second Year of Our Reign, intituled, *An Act for the making more Effectual Her Majesty's Gracious Intentions for the Augmentation of the Maintenance of the Poor Clergy, by Enabling Her Majesty to Grant in Perpetuity the Revenues of the First-Fruits and Tenths; And also for Enabling any other Persons to make Grants for the same Purpose*; Reciting, That whereas at a Parliament holden in the Six and Twentieth Year of the Reign of King *Henry the Eighth*, the First-Fruits, Revenues and Profits for one Year, upon every Nomination or Appointment to any Dignity, Benefice, Office or Promotion-Spiritual, within this Realm, or elsewhere with the said King's Dominions; And also a perpetual Yearly Rent or Pension, amounting to the Value of the Tenth Part of all the Revenues and Profits belonging to any Dignity, Benefice or Promotion-Spiritual whatsoever, within any Diocese of this Realm, or in *Wales* were granted to the said King *Henry the Eighth*, his Heirs and Successors, and divers other Statutes have since been made touching the First-Fruits, and Annual Tenths of the Clergy, and the Ordering thereof. And whereas a sufficient Settled Provision for the Clergy, in many Parts of this Realm, hath never yet been made, by Reason whereof divers Mean and Stipendary Preachers are in many Places Entertained, to serve the Cures and Officate there; who depending for their necessary Maintenance upon the Good-will and liking of their Hearers, have been, and are thereby under Temptation of too much Complying, and Suiting their Doctrines and Teachings to the Humors, rather than the good of their Hearers, which has been a great Occasion of

Faction, and Schism, and Contempt of the Ministry: And further mentioning, That forasmuch as We taking into Our Princely and | Serious Consideration, the mean and insufficient Maintenance belonging to the Clergy, in divers Parts of this Our Kingdom, have been most Graciously Pleas'd, out of Our most Religious, and tender Concern for the Church of *England*, (whereof Our Self is the only Supreme Head on Earth) and for the Poor Clergy thereof, not only to remit the Arrears of Our Tenth's due from Our Poor Clergy, but also to declare unto Our most Dutiful and Loyal Commons, Our Royal Pleasure and Pious Desire, That the whole Revenue arising from the First-Fruits and Tenth's of the Clergy, might be settled for a perpetual Augmentation of the Maintenance of the said Poor Clergy, in Places where the same is not already sufficiently provided for (to the end that Our most Gracious Intentions may be made Effectual, and that the Church may receive so great and lasting an Advantage from Our parting with so great a Branch of Our Revenue, towards the better Provision for the Clergy, not sufficiently provided for; And to the intent our singular Zeal for the Support of the Clergy, and the Honour, Interest and future Security of the Church, as by Law Established, may be perpetuated to all Ages; It is Enacted, That it shall and may be Lawful for Us, by Our Letters-Patents under the Great-Seal of *England*, to Incorporate such Persons as We shall therein Nominate or Appoint, to be one Body Politick and Corporate, to have a Common-Seat, and Perpetual Successions; And also at Our Will and Pleasure by the same, or any other Letters-Patents, to Grant, Limit or Settle to, or upon the said Corporation, and their Successors for ever, All the Revenue of First-Fruits, and Yearly perpetual Tenth's of all Dignities, Offices, Benefices and Promotions-Spiritual whatsoever, to be applied and disposed of, to and for the Augmentation of the Maintenance of such Parsons, Vicars, Curates and Ministers, Officiating in any Church or Chappel within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, where the Liturgy and Rights of the Church of *England*, as now by Law Established, are or shall be Used and Observed, with such Lawful Powers, Authorities, Directions, Limitations Appointments, and under such Rules and Restrictions, and in such Manner and Form as shall be therein expressed: The Statute made in the first Year of Our Reign, Intituled, [*An Act for the better Support of Her Majesty's Household, and of the Honor and Dignity of the Crown*] or any other Law to the Contrary in any wise notwithstanding. Provided always, and it is thereby declared, That all and every the Statutes and Provisions, touching or concerning the Ordering, Levying, and true Answering and Payment, or Qualification of the

the said First-Fruits and Tenths, or touching the Charge, Discharge or Alteration of them, or any of them, or any matter or thing relating thereunto, which were in force at the time or making the said Act, shall be, remain and continue in their full Force and Effect, and be observed and put in due Execution according to the Tenors and Purports of the same, and every of them; for such Intents and Purposes nevertheless as shall be Contained or Directed in or by the said Letters-Patents. Provided also, That the said Act, or any thing therein contained, should not extend to void, or any way impeach, or affect any Grant, Exchange, Alienation or Incumbrance at any time heretofore made, of or upon the said Revenues of First-Fruits and Tenths; or any part thereof, but that the same shall, during the continuance of such Grants, Exchange, Alienation or Incumbrance respectively, be and remain, of, and in such Force and Virtue, and no other, to all Intents and Purposes as if the said Act had not been made. And for the Incouragement of such well-disposed Persons, as shall by Our Royal Example, be moved to Contribute to so Pious and Charitable a Purpose, and that such their Charity may be rightly Applied, It is so Enacted, That all and every Person and Persons, having in his or their own Right, any Estate or Interest in Possession, Reversion or Contingency, of or in any Lands, Tenements or Hereditaments, or any property of or in any Goods or Chattels, shall have full Power, Licence and Authority, at his, Her and their Will and Pleasure, by Deed inrolled in such manner, and within such time as is directed by the Statute made in the Twenty Seven Year of the Reign of King Henry the Eighth, for Inrolment of Bargains and Sales, or by his, her, or their Last-Will or Testament in writing, duly executed according to Law, to Give and Grant to, and Vest in the said Corporation and their Successors, all such his, her or their Estate, Interest or Property in such Lands, Tenements and Hereditaments, Goods and Chattels, or any Part or Parts thereof, for and towards the Augmentation of the Maintenance of such Ministers, as aforesaid, Officiating in such Church or Chapel where the Liturgy and Rites of the said Church are, or shall be so used or observed, as aforesaid, and having no settled competent Provision belonging to the same, and to be for that purpose applied according to the Will of the said Benefactor, in and by such Deed inrolled, or by such Will or Testament executed, as aforesaid expressed; And in default of such Direction, Limitation or Appointment in such manner, as by Our Letters-Patents shall be directed or appointed, as aforesaid, And such Corporation, and their Successors, shall have full Capacity and Ability to purchase, receive, take, hold, and enjoy for the purposes aforesaid, as well from such Persons as shall be so charitably

December.



disposed to give the same, as from all other Persons as shall be willing to Sell or Alien to the said Corporation, any Manors, Lands, Tenements, Goods or Chattels, without any Licence or Writ of *Ad quod Damnum*; The Statute of Mortmain, or any other Statute or Law to the contrary notwithstanding. Provided always, That the said Act, or any thing therein contained, should not extend to enable any Person or Persons being within Age, or of *non-sane* memory, or Women-Coverts, without their Husbands, to make any such Gift, Grant or Alienation; Any thing in the said Act contained to the contrary notwithstanding, as in, and yet by the said Act of Parliament may more at large appear. Now know ye, That We, to the end Our said Gracious Intentions may be made Effectual, and that the Church may receive a Great and Lasting Advantage from Our parting with Our said Revenue of First-Fruits and Tenths, towards the better Provision for the Clergy not sufficiently provided for, and pursuant to the said Act of Parliament, of Our especial Grace, certain knowledge, and meer motion, have Made, Appointed, Nominated, Constituted and Established, and by these Presents, for Us, Our Heirs and Successors, do Make, Appoint, Nominate, Constitute and Establish, Our Most Dear Consort Prince *George of Denmark*, Our High-Admiral and Generalissimo of all Our Forces; The Most Reverend Father in God Our Right Trusty, and Right Entirely Beloved Counsellor *Thomas* Lord Archbishop of *Canterbury*, and the Archbishop of *Canterbury* for the time being; Our Right Trusty and Welbeloved Counsellor Sir *Nathan Wright*, Kt. Keeper of Our Great-Seal of *England*; The most Reverend Father in God, Our Right Trusty and Welbeloved *John* Archbishop of *York*, and the Archbishop of *York* for the time being; Our Right Trusty and Welbeloved Counsellor *Sidney* Lord *Godolphin*, Our High-Treasurer of *England*; Our Right Trusty and Right Welbeloved Cousin and Counsellor *Thomas* Earl of *Pembroke and Montgomery*, Our President of Our Council; Our Right Trusty and Right Entirely Beloved Cousin and Counsellor *John* Duke of *Normandy* and *Buckingham*, Our Keeper of Our Privy-Seal; Our Right Trusty and Right Entirely Beloved Cousins and Counsellors *William* Duke of *Devonshire*, Our Steward of Our Household; *Charles* Duke of *Somerset*, Our Master of Our Horse; *James*, Duke of *Ormond*, Our Lieutenant-General, and General-Governor of Our Kingdom of *Ireland*; *Charles* Duke of *Bolton*, *Mainhardt* Duke of *Schonenberg*, *Thomas* Duke of *Leeds*, *John* Duke of *Marlborough*, Our Captain General of all and singular Our Forces, and Master-General of Our Ordnance; Our Right Trusty and Right Welbeloved Cousins and Counsellors *Robert* Earl of *Lindsey*, Our Great-Chamberlain of *England*; *Charles* Earl of *Carlisle*, Earl Marshal of *England*

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during the Minority of the Duke of Norfolk; *Henry* Earl of Kent, Our Chamberlain of Our Household; *Charles* Earl of Dorset and Middlesex, *George* Earl of Northampton, *Charles* Earl of Manchester, *Thomas* Earl of Stamford, *Thomas* Earl of Thanet, *Charles* Bodville Earl of Radnor, *Charles* Earl of Berkley, *Daniel* Earl of Nottingham, *Lawrence* Earl of Rochester, *Montagu* Earl of Abingdon, Our Constable of the Tower of London; *Ralph* Earl Montagu, *Richard* Earl of Scarborough, *Francis* Earl of Bradford, Treasurer of Our Household; *Edward* Earl of Jersey, *Richard* Earl of Ranelagh in Our Kingdom of Ireland; Our Right Trusty and Welbeloved Cousin and Counsellor *Thomas* Lord Viscount Weymouth; The Right Reverend Father in God, Our Right Trusty and Welbeloved Counsellor *Henry* Bishop of London, and the Bishop of London for the time being; Our Right Trusty and Welbeloved Counsellors *Robert* Lord Ferrers, *Thomas* Lord Wharton, *John* Lord Pawlett, *Robert* Lord Lexington, *William* Lord Dartmouth, *John* Lord Granville, *Heneage* Lord Gernsey, *John* Lord Gower, *Thomas* Lord Coningsby, of the Kingdom of Ireland; *Robert* Harley Esq; Speaker of the House of Commons, and one of Our Principal Secretaries of State, and the Speaker of the House of Commons, for the time being; *Peregrine* Berrie Esq; Our Vice-Chamberlain of Our Household; *Henry* Boyle Esq; Chancellor and Under-Treasurer of Our Exchequer; *Thomas* Mansell Esq; Comptroller of Our Household; Sir *Charles* Hedges Kt. one of Our Principal Secretaries of State, Sir *John* Holt Kt. Chief-Justice of Our Court of Queen's-Bench; Sir *John* Trevor Kt. Master of the Rolls, and the Master of the Rolls for the time being; Sir *Thomas* Trevor Kt. Chief-Justice of Our Court of Common-Pleas; Sir *George* Rook Kt. Vice-Admiral of England; Sir *Edward* Seymour Baronet, *James* Vernon Esq; *John* Smith Esq; and *John* How Esq; and all and every the Privy Counsellors of Us, Our Heirs and Successors for the time being; All and every the Lieutenants of, in, and for the several Counties within Our Kingdom of England and Dominion of Wales, now and for the time being; All and every the Custodes Rotulorum for the several Counties within Our Kingdom of England; The Reverend Fathers in God *Nathaniel* Bishop of Durham, *Peter* Bishop of Winchester, *William* Bishop of Landaff, *William* Bishop of Worcester, *Thomas* Bishop of Rochester, *Jonathan* Bishop of Exeter, *Gilbert* Bishop of Sarum, *Humphrey* Bishop of Hereford, *Nicholas* Bishop of Chester, *Simon* Bishop of Ely, *John* Bishop of Litchfield and Coventry, *John* Bishop of Norwich, *Richard* Bishop of Peterborough, *Edward* Bishop of Gloucester, *John* Bishop of Bristol, *James* Bishop of Lincoln, *John* Bishop of Chichester, *William* Bishop of Oxford, *John* Bishop of Bangor, *William* Bishop of Carlisle, *George* Bishop of Bath and Wells, *William* Bishop of St. Asaph, and

and all and every the Bishops of the several Diocess aforesaid for the time being ; and the Bishop of *St. David's* for the time being ; the Deans of the several Cathedral-Churches within Our Kingdom of *England* and Dominion of *Wales*, now and for the time being ; Our Trusty and Welbeloved Sir *Littleton Powis*, Sir *Henry Gold* and Sir *John Powell*, Knights, Justices of Our Court of Queen's-Bench, and the Chief-Justice, and other the Justices of the Court of Queen's-Bench, for the time being ; Our Trusty and Welbeloved Sir *Edward Nevill*, Sir *John Blencoe* Knights, and *Robert Trasy* Esq; Justices of Our Court of Common-Pleas and the Chief-Justices and other the Justices of the Court of Common-Pleas for the time being ; Our Trusty and Welbeloved Sir *Edward Ward* Kt. Chief-Baron of our Court of Exchequer, Sir *Thomas Bury* Kt. *Robert Price* Esq; and *John Smith* Esq; other the Barons of Our Court of Exchequer, and the Chief-Baron, and other the Barons of the Court of Exchequer for the time being ; Our Trusty and Welbeloved Sir *Thomas Powis*, Kt. Sir *Salathiel Lovell* Kt. Our Serjeants at Law, Sir *Edward Norrbey* Kt. Our Attorney-General, Sir *Simon Harcourt* Kt. Our Solicitor-General, and the Serjeants at Law, Attorney-General, and Solicitor-General of Us, Our Heirs and Successors for the time being ; Sir *John Cooke* Kt. Doctor of Laws, Our Advocate-General, and the Advocate-General of Us, Our Heirs and Successors for the time being ; the Chancellors, and Vice-Chancellors of the Two Universities of *Oxford* and *Cambridge*, now and for the time being ; Our Trusty and Welbeloved Sir *John Parsons* Kt. Mayor of Our City of *London*, and the Mayor of the City of *London* for the time being ; all and every the Aldermen of the City of *London*, now and for the time being ; the Mayor of the City of *York* for the time being ; and all and every the Mayors of the respective Cities within Our Kingdom of *England*, now and for the time being ; to be One Body-Politick and Corporate of themselves, in Deed, and in Name, by the Name of *The Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy* ; And them One Body-Politick and Corporate, in Deed, and in Name of *The Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy*, We do for Us, Our Heirs and Successors make, create, erect, establish and confirm, for ever by these Presents ; And by the same Name, they and their Successors shall have perpetual Succession, and shall and may have and use a Common-Seal for the Business and Affairs of the said Body-Politick and Corporate, and of their Successors, with Power to break, alter and make new their Seal from time to time at their Pleasure, or as they shall see Cause ; And by the same Name they and their Successors shall be able and capable in Law to purchase, receive, take, hold and en-

joy, for the Purposes herein-mentioned, as well from such Person and Persons who shall be so charitably disposed to give, (as from all other Persons who shall be willing to Sell, Alien or Assign) to the said Corporation hereby Constituted, any Manors, Lands, Tenements, Hereditaments, Goods, Chattels or Possessions whatsoever, of what Nature or Quality soever: And further, by the same Name of *The Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy*, They and their Successors shall and may sue and implead, and be sued and impleaded, and answer and defend, and be answered and defended in Courts of Record, or any other Place whatsoever, and before whatsoever Judges, Justices, Officers and Ministers of Us, Our Heirs and Successors, and in all and singular Pleas, Actions, Suits, Causes and Demands whatsoever, of what Nature or Kind soever, in as ample and beneficial Manner and Form, as any other Body-Politick and Corporate, or any other the Liege-People of *England*, being Persons able and capable in Law, may or can have, take, receive, hold, keep, possess, enjoy, sue, implead, defend or answer, or be sued, impleaded, defended or answered in any manner of wise, and shall and may do and execute all and singular other Matters and Things by the Name aforesaid, that to them shall or may appertain to do by virtue of the said Act, or of these Presents, or otherwise. And for the Ends and Purposes before-expressed, and pursuant to and by virtue of the said Act of Parliament, We have Given and Granted, and by these Presents for Us, Our Heirs and Successors, do Give and Grant unto the said *Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy*, hereby Constituted, and their Successors, All the Revenues of First-Fruits and Yearly Perpetual Tenths of all Dignities, Offices, Benefices and Promotion-Spiritual whatsoever, payable to Us, Our Heirs and Successors, by virtue of the said Act of Parliament made in the Six and Twentieth Year of the Reign of King *Henry* the Eighth, or by virtue of an Act of Parliament made in the First Year of the Reign of the late Queen *Elizabeth*, for Restitution of First-Fruits and Tenths to the Crown, or by virtue of any other Act or Acts of Parliament whatsoever, and All Arrears of the said First-Fruits and Tenths now due and undischarged (other than the Arrears of the Tenths due upon the small Rectories and Vicarages, under the Yearly value of Thirty Pounds *per Annum*, by Us, as aforesaid, directed to be discharged) to be applied and disposed of by the said Governours hereby constituted, to and for the Augmentation of the Maintenance of such Parsons, Vicars, Curates and Ministers officiating in any Church or Chapel within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, where the Liturgy and

Rites



Rites of the Church of *England*, as now by Law established, are or shall be used and observed, under such Rules, Restrictions and Directions, and in such Manner and Form, as shall be established pursuant to these Presents: And for the better ordering, managing and directing the Affairs of the said Corporation, We do hereby for Us, Our Heirs and Successors, grant unto the said Governours of the Bounty of Queen *Anne*, for the Augmentation of the Maintenance of the poor Clergy, and their Successors, and We do hereby ordain, will and appoint, That, as soon as conveniently may be, after the Date of these Presents, all and every the Persons herein before named and constituted Governours, as aforesaid, do assemble and meet together in the Room commonly called, *The Princes Chamber*, adjoining to the House of Lords, or some other convenient Place within our Cities of *London* or *Westminster*, or the Suburbs thereof, as shall in that Behalf be appointed by any Seven or more of the Governours hereby constituted (whereof we will that any one of the Privy-Council of Us, Our Heirs or Successors, and any one of the Bishops aforesaid, or any one of the Judges of any the Courts at *Westminster*, or of the said Council learned in the Law, of Us, Our Heirs or Successors, shall be Three) to treat and consult concerning the Business and Affairs of the said Corporation, and the good Rule and Government thereof, and the faithful Distribution of Our Royal Bounty aforesaid. And We do further by these Presents for Us, Our Heirs and Successors, will, authorize, require and command the said Governours, and their Successors, from time to time, to summon, appoint, hold and keep, Four General Courts at least in every Year, at any convenient Place or Places aforesaid (Notice being in that Behalf first given by inserting the same in the *Gazette*, or otherwise, Fourteen Days before the Holding of every such General Court;) one of the said Four General Courts to be held and kept in the Month of *December*; another in the Month of *March*; another in the Month of *June*; and another in the Month of *September*. And We do also will, and by these Presents for Us, Our Heirs and Successors, do grant and ordain, that all the said Governours for the Time being, or so many of them as shall at any Time or Times be assembled or met together, as aforesaid, being not less than Seven in Number at one Meeting, or Assembly in such General Court (of whom any one of the Privy-Council of Us, Our Heirs or Successors, and any one of the Bishops aforesaid, and any one of the Judges aforesaid, for the Time being, or the said Council learned in the Law, of Us, Our Heirs or Successors, We will shall be always Three) shall be, and be called a General Court of the said Corporation; and that in such General Courts, the said Governours



nours and their Successors, shall and may do and dispatch by Majority of Votes, any Business relating to the Government and Affairs of the said Corporation; and also hear, debate and determine any Complaint or Matter that shall be brought or exhibited in the said Court, touching the Affairs of the said Corporation, and shall and may call to their Aid and Assistance, such Persons as the said General Court, or the major Part of them assembled, as aforesaid, shall think fit, to aid, assist and advise the said Governours hereby constituted, and their Successors, in the due and effectual Execution of the Powers and Authorities hereby granted. And for the better ordering and managing the Affairs of the said Corporation, We do hereby for Us, Our Heirs and Successors, grant, authorize and appoint, That the Governours of the said Corporation hereby constituted, and for the Time being, or any Seven or more of them (of whom Three or more to be such as aforesaid) shall and may from time to time, as often as they shall think fit, erect, nominate and appoint, such and so many of the Governours of the said Corporation for the Time being as they shall judge expedient, to be Committees of the said Corporation, for the better dispatching, and more easie managing and carrying on the Purposes aforesaid, and the true Intent and Meaning of these Presents; and to invest such Committees with such Powers, as the Governours of the said Corporation assembled in a General Court, or the major Part of them so assembled, shall think fit to intrust them with, pursuant to Powers hereby given to the Governours herein before named and constituted. And for the better effecting Our Will and Pleasure in these Presents declared, We do for Us, Our Heirs and Successors, authorize and command *The Governours of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the poor Clergy*, at their first, or some other subsequent Meeting or Meetings of the said Governours hereby constituted, or so many of them as shall then meet and be present (of whom any one of the Privy Council aforesaid, for the Time being, and any one of the Bishops aforesaid, for the Time being, and any one of the Judges aforesaid for the Time being, or of the said Counsel learned in the Law, of Us, Our Heirs and Successors, for the Time being, We will shall be Three at the least) to consider of, consult, advise, agree upon, draw up, prepare and propose in Writing to Us, Our Heirs or Successors, such proper and necessary Rules, Methods, Directions, Orders and Constitutions, as the said Governours, or any Seven or more of them, as aforesaid, for the Time being, shall in their Discretions judge most convenient to be observed, for and towards the better Rule and Government of the said Corporation, and the Members thereof; and the receiving,  
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accounting for, and managing all and every the Revenues hereby granted, or mention'd to be granted, as aforesaid, and all Arrears thereof; and also for and concerning the Distribution, Paying and Disposing of the same, and all other Gifts and Benevolences that shall or may be given or bequeathed to the said Corporation for the charitable Ends aforesaid, for the Augmentation of the Maintenance of the poor Clergy aforesaid; and such Rules, Methods, Orders, Directions and Constitutions as shall be so proposed, and shall be approved, altered or amended by Us, Our Heirs or Successors, and so signified and declared by Us, Our Heirs or Successors, under Our or Their Great Seal, We will shall be the Rules, Methods, Directions, Orders and Constitutions, by which *The Governours of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy*, and their Successors, shall Receive, Manage, Govern, Apply and Dispose Our said Royal Bounty and other Gifts and Benevolences which shall or may hereafter be Given or Bequeathed to the said Corporation, where the Donors thereof shall not particularly direct the Application thereof, to and for the Increase of the Maintenance of such Parsons, Vicars, Curates and Ministers Officiating in any Church or Chapel within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, where the Liturgy and Rites of the Church of *England*, as now by Law Established, are and shall be used and observed, for whom a Maintenance is not already sufficiently provided. And for the better enabling the Governors of Our Bounty aforesaid, to perform Our Will and Pleasure herein before-expressed, We do hereby for Us, Our Heirs and Successors, Authorize and Require Our Keeper of Our Great Seal of *England* now being, or the Lord High-Chancellor of *England*, or Keeper of the Great Seal of *England* for the time being, upon the Request of the said Governors hereby Constituted, or any Seven or more of them (of whom any One of the Privy-Council aforesaid, for the time being, and any One of the Bishops aforesaid, for the time being, and any One of the Judges, or of the Council Learned in the Law, as aforesaid, for the time being, We will shall be Three) to Issue out Writs of Inquiry under the Great Seal of *England*, unto all and every or any the Counties and Cities in *England*, and *Wales*, to be directed to such and so many Persons as the said Keeper of the Great Seal of *England*, now and for the time being, or the Lord High-Chancellor of *England*, for the time being, shall nominate, assign or appoint, thereby authorizing and requiring them, or any Three or more of them, and giving them full Power and Authority, by the Oaths of good and lawful Men, and by all other lawful Ways and Means to inquire and find out (and likewise the said Governors hereby Named and

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Constituted, and any Seven or more of them, are hereby Commanded and Authorized to inquire, find out, and inform themselves by all lawful Ways and Means, of the true Yearly Value of the Maintenance of every Parson, Vicar, Curate and Minister, Officiating in any Church or Chapel, within such Countries and Cities where the Liturgy and Rites of the Church of England, as by Law Established, are or shall be used and observed, for whom a Maintenance of the Yearly Value of Eighty Pounds is not sufficiently provided, and the distances of such Churches and Chapels from Our City of London, and which of them are in Towns-Corporate, or Market-Towns, and which not, and how the several, Churches and Chapels are supplied by Preaching-Ministers and where the Incumbents have more than One Living, That some course may be taken for Providing for the Augmentation of Maintenance, where the same may be found necessary. And we do further hereby for Us, Our Heirs and Successors, Authorize and Require the said Governors, now and for the time being, or any Seven or more of them (of whom we will that any One of the Privy-Council aforesaid, for the time being, and any One of the Bishops aforesaid, for the time being, and any One of the Judges aforesaid, or of the said Council Learned in the Law, of Us, Our Heirs or Successors; be Three) from and after such Inquiry had and made, as aforesaid, to prepare and lay before Us, Our Heirs or Successors, a true State and Account of the Yearly Values of the Maintenance of all such Parsons, Vicars, Curates and Ministers aforesaid, and also of the present Yearly Values of the said First-Fruits and Tenths, and the Arrears thereof, hereby Granted for the Augmentation of the Maintenance of the Poor Clergy aforesaid; And also of such Pensions, Payments or other Charges, as are now granted and payable out of the said First-Fruits and Tenths, by Letters-Patents or otherwise therewith charged, to the end, that the same being satisfied and discharged, Our said Royal Bounty may be applied and disposed to, and amongst such of the Poor Clergy, the Augmentation of whose Maintenance will appear to be most necessary. And for the better managing, ordering and governing the Affairs of the said Corporation, we do by these Presents for Us, Our Heirs and Successors, Grant to the said Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy, and their Successors; And do hereby Ordain and Appoint, That there shall be from time to time for ever, One able and sufficient Person to be nominated and chosen, as is herein after-expressed, who shall be, and be called Secretary to the Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy, and who shall Act and perform all such Matters and Things, for and



on behalf of the said Corporation, as shall be found requisite and necessary to be executed and performed by him in such Office; And for the better execution of Our will and Pleasure in that behalf, We have Named, Constituted and Appointed, and by these Presents for Us, Our Heirs and Successors, do Name, Constitute and Appoint, Our Trusty and Welbeloved *John Chamberlain Esq;* to be the first and present Secretary, to the *Governors of the Bounty of Queen Anne, for the said Augmentation of the Maintenance of the Poor Clergy*, who shall continue in the said Office of Secretary, during the Pleasure of the *Governors of the Bounty of Queen Anne, for the Augmentation of the Poor Clergy*. And we do further by these Presents for Us, Our Heirs and Successors, Grant unto the said *Governors of the Bounty of Queen Anne, for the said Augmentation of the Poor Clergy*, and to their Successors, that they and their Successors, shall and may have One able and sufficient Person to be nominated and chosen, as is herein after-mentioned, who shall be, and be called *Treasurer to the Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy*; and also such Inferior Officers, Substitutes and Servants, as the said Governors for the time being, assembled in a General Court, shall by a Majority of Votes, think fit to chuse and elect; Which Inferior Officers and Substitutes so elected, we will and ordain for Us, Our Heirs and Successors, shall continue in their several and respective Offices, during the pleasure of the said Governors, for the time being: And we have also Named, Constituted and appointed, and by these Presents for Us, Our Heirs and Successors, do Name, Constitute and appoint Our Trusty and Welbeloved *Edward Tennison Senior, Gentleman*, to be the first and present Treasurer to the *Governor of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy*, to continue in the said Office of Treasurer during the pleasure of the *Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy*; and further we do by these Presents for Us, Our Heirs and Successors, Grant unto the said *Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy*, and their Successors, full power and authority from time to time, as often as it shall happen that any Secretary or Treasurer to the said Governors, shall die, or be removed from his, or their respective Offices aforesaid, or whose Office or Offices shall otherwise become void, to Elect and Chuse by a Majority of Votes of such Governors as shall be assembled in a General-Court, some other fit Person or Persons into the Office or Offices of him or them who shall so die or be removed, as aforesaid, or whose Office shall otherwise become void; which Person or Persons, to be chosen shall continue in his or their



their Office or Offices whereunto he or they shall be so Elected, during the Pleasure of the Governors. Provided always, and we do by these Presents for us, our Heirs and Successors, Ordain and Appoint, That the said *John Chamberlain* and *Edward Tennison* herein before-named and constituted to be the First and Present Secretary and Treasurer to the Governors hereby Incorporated and their Successors, and also every Secretary and Treasurer hereafter to be Elected, shall before they take upon them the Execution of their said several Offices respectively, take their Corporal Oaths for the Due and Faithful Execution of their several Offices, before any Seven or more of the Governors aforesaid, for the time being, in a General-Court of the said Corporation, who are hereby Authorized and Required to give and Administer to them the said Oaths from time to time accordingly. And the present Treasurer, and every future Treasurer, shall give sufficient Security to the said Corporation, for his faithful Accounting for the Monies he or they shall receive by Virtue of the said Office. And having no doubt that not only the Governors herein before-named and constituted, but also a great Number of other Our good Subjects will be disposed to follow Our Example, and will with great Chearfulness and Readiness, contribute to the further Augmentation of the Maintenance of the Poor Clergy, We do by these Presents, for Us, Our Heirs and Successors, Authorize and Impower *The Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy*, to take, and receive from such of Our good Subjects, as shall be Piously inclined to contribute to the Increase of this Our Royal Bounty to the Poor Clergy, with such voluntary Gifts or Subscriptions, of any Sum or Sums of Monies, Goods or Chattels, or of, or for any Estate or Interest in any Manors, Lands, Tenements, Rents, Hereditaments, or other Matters or any things whatsoever which any Person or Persons, Bodies Politick or Corporate, shall be willing to Give, Limit, Apportion or Bestow, for or towards the further Augmentation of the Maintenance of the Poor Clergy; and further to cause to be Collected and Received whatsoever shall be Given, Contributed, Bequeathed, Designed or Appointed for the purposes aforesaid, by the Hands of the Treasurer to the said Corporation hereby Constituted, who shall be appointed to receive the same. And to the End Our Royal Intention in the Premises may be better known to Our Loving Subjects, we do hereby require the Governors herein before named and constituted, or any Seven or more of them, to cause publick Notice of this Our Royal Charter, or the Tenor or Scope thereof, to be made in such Places, or by such Ways and Means as the said Governors or any Seven or more of them shall think most conducive to the furtherance of the

Bounty and Charity aforesaid. And further we do hereby, for Us, Our Heirs and Successors, give full Power and Authority unto the Governors aforesaid, and their Successors from time to time, and at all times hereafter, to admit into the said Corporation hereby Erected and Constituted, all and every such Person or Persons who shall be piously disposed to Contribute towards the further Augmentation of the Maintenance of the said Poor Clergy, and the Advancing so good a Work, as the said Governors in a General-Court of the said Corporation shall think fit to admit, which Person or Persons when so he is admitted into the said Corporation, shall be, and be deemed, called and reputed Members of the said Corporation, and from time to time shall and may Vote and Act in as ample Manner and Form, and have and enjoy such and the same Powers, Priviledges and Authorities as the other Governor or Governors of the said Corporation herein before-named, may Vote and Act, Have, Enjoy and Perform by Virtue of these Presents. And we do hereby for us, Our Heirs and Successors Authorize and Impower the Governor hereby Constituted, and their Successors, or any Seven or more of them (of whom any one of the Privy-Council aforesaid, for the time being, and any One of the Bishops aforesaid, for the time being, and any one of the Judges, or of the Council Learned in the Law, of us, our Heirs or Successors, as aforesaid, to be Three at least) in case they shall find the same necessary for carrying on and perfecting the Intentions and Designs of this Our Royal Charter, by Instruments of Writings under the Seal of the said Corporation, to Depute and Substitute such Persons as they shall think fit in Trust to take such Subscriptions, as aforesaid, and to Collect and bring in the Monies which shall be contributed, bequeathed, designed or appointed for the Ends and Purposes aforesaid, to the Hand of the Treasurer to the said Corporation for the time being, and to displace or discharge such Substitutes or Deputies, or any of them, and to Appoint others in the place of them, or any of them, from time to time, as the said Governors, or any Seven or more of them, (of whom Three or more to be such, as aforesaid) shall see cause; and also to settle, establish and appoint such Cheques, Commands and Orders, as they shall think necessary or safe for the due charging of the Treasurer, and also the said Deputies, and all and every other Person and Persons whatsoever who shall receive or be chargeable with any Monies or Profits for the said Charitable Use or Purpose, to Answer Pay, or Account for the same. And we do hereby for our Heirs and Successors, Authorize, Require and Command the said Governors of the Bounty of Queen Anne, for the Augmentation of the Maintenance of the Poor Clergy, from time to time, to cause to be Entred in a Book, to be kept for

Purpose, the Names of the Persons who shall subscribe or contribute, give, devise, or appoint any Monies, or any real or personal Estate, or other Matters or Things towards this Charitable and good Design, with the Sums of Money, Goods, Chattels, Estates or other Things by them respectively contributed, given, limited, appointed or devised, To the end a perpetual Memorial may be made of such well-disposed Persons who shall become Benefactors, as aforesaid, and whereby the Treasurer to the said Corporation may be charged with more certainty in his Account. And our farther will and Pleasure is, and we do hereby for us, our Heirs and Successors, give full Power and Authority unto the said *Edward Tennison*, and the Treasurer to the said Governors for the time being, from time to time upon the Receipt or Receipts of any Sum or Sums of Money, or other Profits, for the Purposes aforesaid, or any of them, to give an Acquittance or Acquittances for the same, which shall be good and sufficient Discharges to all Intents and Purposes whatsoever. And the said Treasurer for the time being, in his Receipts, Payments and Accounts, shall be subject to such Inspections, Examination and Comptrol, as the said Governors for the time being, or any Four or more of them (whereof such as are before-appointed for the Special *Quorum*, to be Three at least) shall Establish or Appoint. And we do hereby for us, our Heirs and Successors, Grant and Declare, That these our Letters-Patents, or the Inrolment thereof, shall be in and by all Things good, Valid and Effectual in the Law, according to the true Intent and Meaning of the same, and shall be Taken, Construed and Adjudged in the most Favourable and Beneficial Sense, and to the best Advantage of and for the said Corporation, as well in all our Courts of Record, as elsewhere: Notwithstanding the not reciting or not truly or fully reciting of any Act or Acts of Parliament, of or concerning the said First-Fruits or Tenths hereby Granted or mentioned to be Granted, or any Part or Parcel thereof; and notwithstanding the not-mentioning the true Yearly Value of the said First-Fruits or Tenths, or any of them; and notwithstanding any Non-recital, Misrecital, Defect, Incertainty or Imperfection in these our Letter-Patents contained, or any other Matter, Cause or Thing whatsoever. In Witness whereof, we have caused these our Letters to be made Public: Witness Our Self at *Wassminster*, the Third Day of November, in the Third Year of Our Reign.

By Writ of Privy-Seal.

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COCKS.

P A.

## PAPER II.

*The Address of the Kingdom of Scotland  
to the Queen.**May it please Your Majesty,*

WE, Your Majesty's most Loyal and Faithful Subjects, the Noblemen, Barons and Burgeſſes aſſembled in Parliament, humbly repreſent to Your Maſteſty our great Diſappointment in not having the original Papers, concerning what was called in *England* by the Houſe of Peers the *Scotch* Conſpiracy, laid before us, and the Perſons who were examined in that Matter ſent hither, for which there was made Application in the Beginning of this Seſſion.

We therefore, in all humble Duty, lay before Your Maſteſty the Concern of the whole Nation in this Affair, in which the Intermeddling of the Houſe of Lords, having been declared by a Reſolve in this Seſſion to be an Encroachment upon the Independency of this Nation and Your Maſteſty's Prerogative as Queen of *Scotland*; We make our humble Requeſt to Your Maſteſty, That You will in Your great Wiſdom take ſuch Meaſures, as may effectually prevent all ſuch Meddling for the future.

We alſo take Leave to offer to Your Maſteſty, as our Opinion, That nothing can obſtruct more our coming into the Meaſures that have been recommended by Your Maſteſty to the Succeſſion, than the Houſe of Lords proceeding to make any more Encroachments of that Nature.

And we do humbly entreat Your Maſteſty, That all the Perſons and Papers relating to that Affair that have been examined in *England*, may be ſent hither at the Meeting of the next Seſſion of Parliament, that the Matter may be examin'd to the Bottom, and thoſe who are unjuſtly accused may have Right done them, and ſuch as are guilty may be puniſhed according to their Demerits.



## PAPER III.

*A Letter written by the Commission of the General Assembly to all the Presbyteries of that Kingdom, during the last Session of their Parliament.*

*Reverend Dear Brethren,*

**W**HILE the Commissioners appointed by the late General Assembly, considering the distressed State of divers of the Reformed Churches, and the undeniable Peril of all the rest, the abounding Ignorance, Prophaneness, Contempt of Religion, and woeful Indifferency among all sorts of People, about the Concerns thereof, the present restless Endeavours of Romish Emissaries and Agents, with the Growth of Popery thereupon, the lamentable Divisions and Animosities in the Nation, the avowed Disaffection of too many to the late Glorious and Happy Revolution, a Mercy never to be forgotten, (it having been the great Means of our Deliverance from Popery and Arbitrary Power) and the unaccountable Security there is, notwithstanding all these Causes and Evidences of Divine Displeasure, do from a deep Sense of these Things, exhort and excite you, our very Reverend and dear Brethren, *upon this Occasion*, to manifest that Wisdom, Zeal and Courage, which may justly be expected from you, in reference to all these. And more especially we put you in mind of what the Acts of the General Assembly, particularly the 8th, Act of the General Assembly, *Anno 1699*. concerning Popery, require of you; and we earnestly recommend, that conform to the said Act, ye would, in your Sermons to the People, frequently and plainly inform them of the pernicious Heresies, Idolatries and Superstitions of the Romish Church, and warn them, with Wisdom and Prudence, of the imminent Danger we are in, of being overtaken therewith.

Be very frequent and fervent in your private and publick Prayers, that God would save us from Popery, and from every Thing which hath a tendency thereunto, and that he would long preserve and signally bless our Protestant Queen, in her Person and Government, and countenance her Arms against the French King, who would obtrude a Popish Successor on these Nations, to the ruin of our Religion and civil Liberties.

‘ And that all your and our endeavours may be the more  
 ‘ successful, we further recommend, that ye would not only  
 ‘ excite and stir up the Lord’s People among you to stand in  
 ‘ the Gap, and on these Accounts to wrestle with God for  
 ‘ this Church and Nation, and for the Reformed Churches  
 ‘ abroad, and that we may be preserved from a *Popish Successor*  
 ‘ to the Crowns of these Nations, and may always have a *Pro-*  
 ‘ *testant* to sit upon the Throne thereof; but also, that upon the  
 ‘ Receipt hereof, the Presbytery be called to keep a Day of  
 ‘ Fasting, Humiliation and Prayer, among the Members  
 ‘ thereof, for Divine Direction and Assistance in this Matter,  
 ‘ to deprecate deserved and threatned Stroakes, to implore  
 ‘ the pouring out of the Spirit of God upon all Ranks, that  
 ‘ by a Day of his Power, the Gospel may be made more suc-  
 ‘ cessful, that Religion and Righteousness may so flourish  
 ‘ among us, that the Land being freed from Profaneness and  
 ‘ Popery, and all Error and Vice, the Lord may delight to  
 ‘ dwell among us, and do us good. This, by Warrant from  
 ‘ the Commission of the General Assembly, and in their  
 ‘ Name, is subscribed by

*August 8. 1704.*

*Your Affectionate Brother,  
 And Servant in the Lord.*

*Tho. Wilkie, Moderator.*

*The Commission recommends that this Letter be recorded in  
 your Presbytery Books.*

THE

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